DOCUMENT RESUME

ED 148 953 UD 017 777

TITLE When the Marching Stopped; An Analysis of Black Issues in the '70's.
INSTITUTION National Urban League, Inc., New York, N.Y.
PUB DATE Apr 73
NOTE 177p.; Some parts of document may be marginally legible due to small type

EDRS PRICE MF-$0.83 HC-$10.03 Plus Postage.
DESCRIPTORS *Black Community; Black Role; *Blacks; Conference Reports; Crime; Economic Climate; Educational Policy; Law Enforcement; Low Income Groups; *Policy Formation; *Political Issues; *Public Policy; *State of the Art Reviews

ABSTRACT

This volume presents the contents of a conference held with scholars concerning their perceptions of some of the critical issues affecting black Americans. The formal presentations and the discussion that followed are reproduced in this book. The sessions explored several major forces impinging on the lives of the black and the poor and developed broad approaches to deal positively with those forces. What developed from the sessions was not a list of proposed solutions but a comprehensive examination of where the black person stands in the present social and economic milieu and a look at his prospects for the future. There were sessions addressing the following issues: (1) economic policy and income security, (2) personal security, law enforcement and the administration of justice, (3) the political process and (4) educational policy. Among the specific issues which were discussed are the following: (1) the economic outlook and employment prospects for blacks, (2) crime in the black community, (3) drug problems in the black community, (4) the political process and black liberation, (5) full employment, (6) critical issues in the education of minorities, (7) public school reform, and (8) integration. (Author/AM)

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When The Marching STOPPED

AN ANALYSIS OF BLACK ISSUES IN THE '70s

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INTRODUCTION

For two days in the early spring of 1973, a group of distinguished scholars met in New York City at the invitation of the Executive Director of the National Urban League, to discuss a wide range of critical issues affecting black Americans. The formal presentations and the discussions that followed are reproduced in this volume.

The sessions were viewed as not simply another opportunity for intellectual exchanges but as a mechanism capable of exploring several major forces impinging on the lives of the black and the poor and developing broad approaches to deal positively with those forces. What developed out of the sessions was not a list of proposed solutions lettered A, B, C, etc., but a comprehensive examination of where the black man stands in the present social and economic milieu and a look at his prospects for the future.

The rapidly moving events of the past several years dictated that such sessions be held. The time was at hand to seek a respite from the daily pressures—if only for a moment as measured on the scale of relativity—to consider the shape of the black landscape and how its contours could be remodeled to bring it more in harmony with the rest of the land.

Old answers once so hopefully offered up as cure-alls no longer seemed to have much meaning. Ideas that once appeared unassailable were under attack. Former allies now stood on opposite sides of the police lines in Canarsie and Forest Hills and hurled imprecations at one another to recreate memories of Little Rock and New Orleans.

In less than a decade America has deaccelerated from a March on Washington, where hopes for the future were as high as the brilliant August sun that bathed black and white alike, to the shadows of the '70s and the depths of despair where the bright dreams of yesterday strangled on the bitter gall of rising indifference towards efforts to solve America's racial dilemma.

Blacks were not alone in believing that something vital had disappeared from the nation; that instead of meeting the challenges of a society in ferment, America was like a ship at anchor, unmoving, buffeted by storms she could not control yet somehow lacking the commitment to seek a course out of harm's way. As early as 1971 a public opinion survey by the Gallup Organization found that the American people believed their nation was in trouble; that it had slid backward over the past five years. Their anxiety over the state of the nation focused particularly on the tensions and divisions among its citizens, with almost one in every two

Americans seeing the tensions as serious enough to "lead to a real breakdown in this country."

Events since then have done little to allay these fears. The chasm that divides the haves and the have-nots has grown wider, and with it the depth of suspicion and misunderstanding that has beclouded America's race relations for generations. "Busing," "forced integration," "quotas," are the new code words that replace the harsher language of an earlier time but mean the same thing—that blacks are and shall be a people apart from the rest of a nation. Our nation remains in danger of becoming the divided society prophesized in the Report of the National Advisory Commission on Civil Disorders.

The calm being experienced on America's racial front today is a deceptive one. Beneath it lies a churning ferment of unresolved problems that will not go away simply because someone has wished them gone with a wave of the wand of "benign neglect." The advances of the '60s formed but a prelude to the righting of racial inequities and to believe anything less, is an illusion fraught with danger.

For black people especially, the years since 1963 have been ones of great expectations shattered on the rocks of bitter disappointment. On the one hand they are told by respected social scientists that life has never been better for them, that black people have turned the corner and are now safely ensconsed in the comfort of America's middle class. On the other hand, they see all around them evidence that for the majority of black people, life has not shown much improvement.

The economic status of blacks has in fact deteriorated since 1969. Between that time and 1972 the unemployment rate among blacks jumped from 6.4 percent to 10.0 percent—the highest annual unemployment rate for blacks since 1963. And the unemployment rates among black teenagers sky-rocketed from about-one-out-of four in 1969 to about one out of three in 1972.

The median income of black families relative to white families dropped from 61 to 59 percent between 1969 and 1972. While the number of poor whites declined by about 500,000 persons between 1969 and 1972, the number of poor blacks increased by 600,000 persons over the same period.

Schools serving predominately black student bodies remain the shame of the nation, producing dropouts and graduates alike, hardly able to read or write and not employable in the complex America of today. In city after city, decaying private housing, ill-maintained public housing and block after block of totally abandoned dwellings, offer mute testimony to the nation's failure to assure decent living space for all her people. More blacks still die in infancy and the survivors live shorter life spans than whites.

Life for some blacks has of course improved. Men and women with marketable skills can find better jobs than ever before. They can buy some homes outside the ghetto. Their faces appear increasingly in the pages of newspapers and on television. They are financially secure enough to travel to places once only vaguely dreamed of.

Life is better for the black few, but not for the many. It is this dichotomy that threatens to produce a permanent underclass in this country

locked forever into poverty. Untouched by the civil rights movement are millions of blacks, whose days begin and end with one goal—Survival! These are the people affected when social service programs are abandoned because they have not produced spectacular results, these are the people who suffer when indifference in the policy-making rooms of the country replaces concern for the poor and the powerless.

Together, blacks and whites negotiated, marched, demonstrated and sometimes died for basic rights in the '60s. The right to vote, to use public accommodations, to attend schools, were won with blood, sweat, tears and prayers. Initial jubilation, however, soon gave way to the pragmatic realization that the cost of equality comes high and the road leading toward its achievement would not always be smooth.

The country soon grew weary of being reminded of its racial problems. Commitments made were commitments forgotten. Programs begun with high hopes were abandoned in bitter recriminations. The cause of black people and the poor was down-graded on the national agenda.

The civil rights movement itself was not in 1973 what it had been in 1963. Seen once as a monolithic grouping of people with similar impulses, it had revealed itself as what it had always been, a diverse movement containing different philosophies seeking the common goal of freedom. Many of the names familiar in the '60s were no longer on the scene and many new voices were being heard at the local level and on the national front.

The marching had stopped. The words of "We Shall Overcome" no longer thundered in the churches of the South, calling the brave to do battle with the dogs, the firehoses, the cattle prods and perhaps at the end of the road, a shallow grave in some forsaken field. Selma, Birmingham, Montgomery, Albany. What are they now but memories?

The gains brought in the '60s are meaningless unless the endemic problems that afflict black communities all across this nation are addressed. To do this requires new strategies and new techniques, devised out of knowledge and calm judgment. With this in mind, the National Urban League convened on April 7 and 8, 1973, in a New York hotel, a group of individuals selected on the basis of their professional and academic achievements, as well as their demonstrated capacity for innovative thinking. Four broad subject areas were fixed as the agenda for the sessions: Economic Policy and Income Security; Personal Security, Law Enforcement and the Administration of Justice; The Political Process—Old Myths and New Realities, and Educational Policy.

Within each of these areas a number of specific issues were framed. (These issues appear in the appendix). The discussants were asked to address themselves to one or more of these issues in their prepared papers, to be followed by open discussions involving themselves and members of the National Urban League Board and staff.

Subsequent to the sessions, the National Urban League concluded that the formal papers and discussions contained such valuable material that they should be made available to a wider audience. The decision was reached to publish them in this format with the expectation that they might serve as reference material for those concerned with America's racial dilemma. Other areas could, and perhaps should have been covered, but

the constraints of time forced some limitation.

Publication of this document is not to be construed as official National Urban League endorsement of all the viewpoints expressed therein. However, the League does believe that all of the papers offer valuable insights into the nature of black America today.

The League acknowledges with gratitude the contributions of the major discussants: DR. ANDREW F. BRIMMER, DR. ROBERT S. BROWNE, DR. VIVIAN W. HENDERSON, DR. LESLIE W. DUNBAR, CHARLES MORGAN, Jr., LEROY D. CLARK, DR. SAMUEL D. COOK, DR. CHARLES V. HAMILTON, RICHARD M. SCAMMON, DR. KENNETH B. CLARK, DR. DAVID K. COHEN and DR. BENJAMIN F. PAYTON.

The League also acknowledges the valuable services performed by RONALD R. DAVENPORT, WENDELL G. FREELAND and DR. CHARLES H. SMITH, Trustees of the National Urban League Board, who served as moderators for the sessions.

Acknowledgements are also extended to the Staff Task Force of the National Urban League that played a major role in organizing the sessions—Dr. Richard J. Devine, Coordinator of the Central Planning Unit; Ms. Ann Tanneyhill, Special Assistant to the Executive Director, and James D. Williams, Director of Communications.

Finally, a special word of commendation is due the Communications Department of the National Urban League, for the physical production of this publication. Mr. Williams edited the publication and assistance in verification of the transcripts was provided by Chérie Howard and John Watkins. An immense amount of typing, retyping and proof-reading was performed by Cynthia Gresham, Della Mitchell, Ollie Wadler, Dolores Williams and Faith Williams.

We dedicate this volume to the future.

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November 1, 1973

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WHEN THE MARCHING STOPPED

SESSION I

ECONOMIC POLICY AND INCOME SECURITY

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LONG-TERM ECONOMIC OUTLOOK AND EMPLOYMENT PROSPECTS FOR BLACKS

by Andrew F. Brimmer

I. Introduction

A thorough examination of the economic prospects for blacks in the United States over the years ahead must necessarily be cast against the backdrop of prospective developments in the economy as a whole. However, to provide a point of departure, it might be helpful to provide a brief summary of recent economic developments in the United States. This is done in Section II. Section III of the paper is devoted to a sketch of the major contours of the U.S. economy in 1980. In Section IV, the implications of this long-run outlook for blacks are outlined.

In the more immediate future, several issues affecting black employment ought to get urgent attention. One of these concerns is the distressing problem of youth unemployment. I am convinced that the Federal minimum wage has had a severely adverse impact on black youth, and a major modification is called for. This possibility is examined in Section V. Moreover, the prospective dismantling of many of the Federal manpower programs is obviously an extremely serious matter for blacks. The extent to which blacks have participated in these programs and the outlook for them in the near future are discussed in Section VI.

II. Recent Economic Trends in the Black Community

As background for the discussion of several key issues which will have a bearing on blacks' economic status in the future, it might be helpful to summarize recent economic trends affecting blacks.

—Blacks improved their relative economic position during the 1960s. But their pace of advance compared with whites has slackened somewhat in the last few years. The lag can be seen in several measures—including a slower growth in the black labor force, the smaller share of new jobs obtained by blacks, and the continued climb in black unemployment.

—In particular, the 1969-70 recession had a disproportionately adverse impact on blacks. They experienced a relatively greater increase in unemployment (and they got a smaller share of new jobs) during the recession and first year of recovery than was true of whites. While blacks shared more equitably in economic gains last year, they were still carrying

a disproportionate share of the lingering effects of the recent recession.

—Blacks are continuing to make some progress in occupational upgrading. Yet, their occupational center of gravity remains rooted in jobs requiring little skill and which offer little hope of advancement. Moreover, blacks are also still generally concentrated in low-wage industries. Here, too, they are able to make some headway in expanding their share of the jobs in better-paying industries; but simultaneously they became somewhat more heavily concentrated in several industries with the lowest wage scales.

—The money income of blacks apparently reached $51 billion last year—representing 6.7 per cent of the total. In 1971, reflecting the continued greater impact of the 1969-70 recession on blacks than on whites, the income of blacks expanded much more slowly than was the case for whites. Last year—as blacks shared more equitably in the gains from further economic growth—the rise in black income was relatively greater than that recorded for their white counterparts. Nevertheless, the gap between the median incomes of black and white families continued to widen in recent years. Finally, when one examines the source of black income, it is clear that blacks—far from depending excessively on public welfare—work for their spending money to about the same extent as do whites. Instead, the higher incidence of welfare receipts among blacks is a reflection of the greater impact of poverty and deprivation in the black community.

It appears that the difficult problem of persistently high unemployment of youths (particularly of young blacks) is being aggravated by Federally imposed minimum wage legislation. While the analytical evidence presented by economists on the relationship between statutory minimum wages and youth unemployment is mixed, on balance, it seems to suggest that the impact of such measures has been adverse. Given this evidence, I have concluded that it would be desirable for Congress to amend the existing fair labor standards to permit employers to offer entry rates to youths below the regular minimum wage level. I will return to this issue at later point.

Blacks have been among the principal beneficiaries of the Federally supported manpower programs introduced in the 1960s. However, their participation in such programs—compared with other groups in the society—appears to have declined in the last few years. Yet, given the large number of blacks (especially black youths) who still have few—if any—skills, the continuing need for programs to improve our human resources seems to be obvious. In the meantime, existing programs are being reassessed. Some are being phased-out while others are expected to be taken over by States and localities and financed through revenue sharing. But, whatever new arrangements finally do come into being, the future of these manpower programs clearly is of major importance to blacks—as well as to the rest of the country. I will also take up this subject below.

III. Long-Term Economic Outlook for the United States

The most comprehensive set of long-term projections of the American economy is that prepared by the Bureau of Labor Statistics (BLS) in the U.S. Department of Labor.[1] These projections are for 1980, and the base year was 1968. The actual performance of the economy in the last three years has varied somewhat from the pattern implied by the projection. But on the whole, the underlying trends still appear to be consistent with the pattern of growth visualized when the projections were made. Consequently, the latter still seems acceptable as a general framework within which to assess the long-run outlook for blacks. Several features of the BLS projections that are of specific relevance in the present context can be summarized briefly.

By 1980, as shown in Table 1, the nation's output of goods and services (GNP) may be in the neighborhood of $1.4 trillion (valued in 1968 prices). This would represent an increase of 65 per cent from the level of $865.7 billion achieved in 1968. This projection rests on a number of crucial assumptions: real output is projected to grow at an annual rate of 4.3 per cent, and productivity (output per manhour) would have to rise by 3.0 per cent a year. Unemployment is assumed to average about 3 per cent per year.[2] The projections also assume that the Vietnam War would be over by 1980 and that the United States would not be involved in new conflicts. Finally, BLS assumed that the appropriate mix of monetary and fiscal policies will be adopted to assure that an economy operating at full employment will not generate unacceptable inflationary pressures.

Table I. GNP and Major Components, 1968 and 1980
(Billions of 1968 dollars)

Component	Level		Percentage Distribution		Average Annual Rates of Change
	1968	1980	1968	1980	1968-1980
GNP	$865.7	$1,427.8	100.0	100.0	4.3
Pers. cons. exp.	536.6	903.2	62.0	63.3	4.4
Durable goods	83.3	137.6	9.6	9.6	4.3
Nondurable goods	230.6	346.5	26.6	24.3	3.4
Services	228.8	419.1	25.7	29.4	5.4
Gross Pvt. Dom. Inv.	126.3	222.0	14.6	15.5	4.8
Nonresidential	88.8	152.3	10.3	10.7	4.6
Reidential structures	30.2	53.0	3.5	3.7	4.8
Net inventory change	7.3	16.7	0.8	1.2	7.1
Net Exports	2.5	12.9	0.3	0.9	14.7
Government Purchases	200.3	289.7	23.1	20.3	3.1
Federal	99.5	107.3	11.5	7.5	0.6
State & local	100.7	182.4	11.6	12.8	5.1

Source: Bureau of Labor Statistics, **The U.S. Economy in 1980**: "A Summary of BLS Projections," Bulletin 1673, 1970, Table 1, p. 6.

1. The U.S. Economy in 1980: "A Summary of BLS Projection," *Bulletin 1673*, 1970.
2. If the unemployment rate were to average 4 per cent, real GNP in 1980 might be about $12 billion below the $1,427.8 billion projected, but the structure of output would be about the same. If the slower rates of economic growth recorded in the three years 1969-71 are allowed for, the growth rate in real output required to generate the 1980 GNP would be 5.2 per cent, and the annual gain in productivity would have to be 3.2 per cent.

The BLS projections imply that the composition of demand for output will change in several important ways during the current decade. In general, by 1980, the economy will be concentrating even more heavily on the production of services—thus continuing a trend evident for a number of years. In terms of the principal markets, the consumer sector will absorb a slightly larger proportion of output (63.3 per cent in 1980 vs. 62.0 in 1968).

Personal consumption expenditures are projected to rise at an average annual rate of 4.4 per cent between 1968 and 1980—about the same as that for the economy as a whole. Within the consumer sector, however, divergent trends in spending can be anticipated. Outlays for services are expected to grow at an average annual rate of 5.4 per cent—lifting their share of total output from 25.7 per cent to 29.4 per cent. The accelerated growth of spending for services will reflect the rapid advance in consumer expenditures for medical care, private education and recreation. Purchases of durable goods are expected to keep pace with GNP and thus maintain their share at 9.6 per cent. Spending for nondurables is projected to lag behind the growth of output, and its share of GNP may decline from 26.6 per cent to 24.3 per cent.

The second major sector of the private economy—gross private domestic investment—may expand at an average annual rate of 4.8 per cent. This rate of growth raised the investment component of GNP from 14.6 per cent in 1968 to 15.5 per cent in 1980. Expenditures for residential construction (reflecting the high priority assigned to housing as a goal of national policy) would spearhead expansion in this sector—registering an average annual rate of growth of 4.8 per cent. Nonresidential construction may climb at a somewhat slower pace (4.6 per cent per year). Spending for equipment during this decade (partly because of efforts to abate pollution) is expected to grow more rapidly than spending for plants and other structures. In particular, the rate of construction growth for certain categories of public and institutional buildings (including those to serve higher education) is expected to moderate.

Annual Growth Rate

In the BLS projections, the share of GNP absorbed by governmental units declines over the period—from 23.1 per cent in 1968 to 20.3 per cent in 1980.[3] This represents an average annual rate of growth of 3.1 per cent. Within the government sector, however, noticeable divergencies in trends should be expected. The Federal Government would account for about 7.5 per cent of GNP in 1980, compared with 11.5 per cent in 1968. This would be equivalent to an average annual rate of growth of only 0.6 per cent.

However, over the period, the composition of Federal purchases would have changed considerably: a sizable decline is projected in the share arising from military procurement (a mirror of the passing of the Vietnam War) and a substantial rise is expected in the share devoted to domestic requirements—including housing and community development, educational

3. It should be remembered that these statistics refer to government *purchases* recorded in the GNP accounts; they do not refer to the *budget outlays* of the Federal, State, and local governments.

improvements, and the expansion of social welfare programs.

In the case of State and local governments, purchases are expected to expand at an average annual rate of 5.1 per cent between 1968 and 1980. As a result, such outlays may rise from 11.6 per cent to 12.8 per cent of GNP. To cover these sharply higher expenditures, State and local units will rely much more heavily on grants from the Federal Government (including revenue sharing) and higher tax collections in their own jurisdictions. Education will continue to absorb the major share of funds at the State and local level. In particular, since states usually pay for public higher education, they will continue to face heavy pressure for enlarged expenditures.

Despite a slowdown in the rate of population growth, there is unlikely to be any letup in enrollment in public institutions of higher education, and by 1980 a larger percentage of college-age young people is expected to be attending colleges and state universities. A significantly increased proportion of the college enrollment is expected to be concentrated in areas directly related to business administration and management training. This point should be kept in mind when the subject of management jobs for college graduates is discussed below. Spending will also be raised by increased demand for improvement in health facilities and services. Programs for conservation, urban renewal, redevelopment and rehabilitation of central cities (as well as traditional road building activities) will generate further increases in outlays.

Net foreign purchases of goods and services (the final major market for output) is projected to expand at an average annual rate of 14.7 per cent—a rate of growth more than three times that projected for GNP as a whole. This would raise the share of net exports from 0.3 per cent to 0.9 per cent of GNP. This enormous expansion in foreign trade and other international activity of American business will generate a variety of new opportunities in management—especially for college graduates.

This assessment of the outlook for GNP points to a conclusion of major importance that should be emphasized again: during the present decade, the American economy will become even more sharply focused on the production of services than has been true in the past. In fact, between 1968 and 1980, the service-producing industries are expected to provide most of the new employment opportunities. Between those years, total employment may expand by roughly 19 million—of which 16 million (or well over four-fifths) may center in the service-producing sectors. These trends hold a number of implications for the economic prospects for blacks. Some of these implications can now be assessed further.

IV. Long-Term Economic Outlook for Blacks

According to the U.S. Bureau of the Census, the black population should be about 32.5 million in 1980, compared with 22 million in 1968. The Bureau has projected the total population of the United States at approximately 243 million in 1980, versus 198 million in 1968. Thus, the black population is expected to grow by 10.5 million, or 48 per cent, while the total expands by 45 million, or 23 per cent. Consequently, while blacks represented 11 per cent of the total in 1968, they may account for almost

one-quarter of the net increase, and by 1980 their share of the total may have climbed to 13.4 per cent.

During the present decade, the proportion of the black population participating in the labor force is expected to remain essentially unchanged (at roughly 60 per cent of the total). However, participation rates will probably change in opposite directions among black men and women, and they may also diverge when compared to those for white workers. Historically, the proportion of black women in the labor force has been considerably higher than for white women—a reflection of the greater need of the former to contribute to family incomes. Yet, the labor force participation rates of the two groups have been converging in recent years, and the trend is expected to continue through the 1970s.

For instance, in 1968, 49 per cent of black women were in the labor force, compared with 40 per cent of white women. By 1980, it is anticipated that the difference will have shrunk further, as the rate for black women eases off to 47 per cent while that for white women rises to 42 per cent. These results will arise from a somewhat lessened pressure on black women to work (reflecting relative improvement in the economic position of black men) and a greater tendency for white women to seek paid employment outside the household. Among black men, the labor force participation rate may increase moderately from 75.9 per cent in 1968 to 77.5 per cent in 1980. The participation rate for white men (which was 80.4 per cent in 1968) is expected to edge downward. For black men, the years ahead will probably bring more steady employment and a reduced tendency for them to withdraw from the labor force because of discouragement over job prospects. The net result should be noticeable improvement in their basic economic position.

Reflecting these trends, there should be about 12 million blacks in the labor force in 1980, an increase of 3 million from the 1968 level. This would represent an annual rate of growth of 2.4 per cent, about 1½ times as rapid as that for whites (1.6 per cent). So blacks would account for 16½ per cent of the growth in the total labor force between 1968 and 1980, and their share of the total would be 12 per cent by the end of the decade.

For blacks, the pattern of change in the work force between 1968 and 1980 will be essentially the same as that for whites. Here also a large proportion of labor force growth will be concentrated among workers in the 25-34 age group, but a relatively larger percentage of the increase for blacks will be found here. Moreover, while a greater percentage of black teenagers will remain in school—along with their white counterparts—a relatively larger proportion of the former will also enter the labor force during the current decade. This behavior will entail considerable risk, in view of the ever-rising demand for skills.

Occupational Upgrading Among Blacks

In general, blacks are expected to share significantly in the overall upgrading in occupations which seems to be on the horizon. Assuming that they improve their position in the 1970s at the same rate registered during the 1960s, their occupational distribution would have changed appreciably by 1980. By the latter year, they may hold over ten per cent

of the professional and technical jobs, compared with about six per cent in 1968. Their share of managerial, official, and proprietory occupations may have risen from under three per cent in 1968 to almost four per cent in 1980. Significant gains are also anticipated in the proportion of clerical, sales, and craftsmen jobs held by blacks. On the other hand, they might continue to account for about the same percentage of farm workers and laborers, while a noticeable decline is expected in their share of service jobs.

These occupational changes are expected to have a major impact within the black community as well. In this instance, however, we can make detailed projections only through 1975. In the latter year, professional and technical workers might represent 12 per cent of the black labor force, compared with 7.8 per cent in 1968. Since this is one of the most rapidly expanding occupational groups, the ratio will undoubtedly be much higher in 1980. In contrast, in 1968, about 14.3 per cent of the white labor force consisted of professional and technical workers, so the black-white differential was 6.5 percentage points in favor of whites. By 1975, the proportion of whites in this occupational category may have risen only slightly to 15 per cent, and the differential may have shrunk to only three percentage points. The managerial group is expected to account for about 30 per cent of the black labor force in 1975, compared with 2.8 per cent in 1968. Here also the percentage can be expected to rise further by 1980, but a sizable gap would remain compared with the proportion for whites (which was about 15 per cent in 1968).

By 1975, a considerably higher proportion of the black labor force will be engaged in clerical and sales occupations. As mentioned above, most of the relative shift will be away from the blue-collar and unskilled jobs.

Improvement in Educational Attainment

Underlying this anticipated upgrading in jobs held by blacks is a further improvement in their educational attainment—continuing a trend evident during the last decade. For example, the proportion of black men in the age group 25-29 with four years of high school or more rose from 36 per cent in 1960 to 60 per cent in 1969; the corresponding gain for white men was from 63 per cent to 78 per cent. Black women made similar but less striking advances. Moreover, in the 1960s, there was a major increase in the number of blacks attending college.

If these trends in schooling for both whites and blacks continue during the decade of the 1970s, the gap between the two will narrow considerably. On this assumption, by 1980, black women on the average may have completed about 12.1 years of schooling compared with 12.6 for white women. This would mean that the educational differential would have shrunk from 0.9 years in 1967 to only 0.5 years in favor of white women. Among black men, the median years of schooling may have risen to 11.4 years by 1980, compared with 12.8 years for white men, further narrowing the gap to about 1.4 years compared with a differential of 1.9 years in 1967. Moreover, substantial improvement can also be expected in the quality of education received by blacks over the next decade.

Future Trends in Income

While blacks will obviously share significantly in the output of the American economy that is expected to reach $1.4 trillion by 1980, we have no direct way to identify their share of GNP. On the other hand, we do have a reliable estimate of aggregate money income earned by blacks as defined by the Bureau of the Census. This series does distinguish between income recipients according to color. In 1968, aggregate money income as measured by this series amounted to $488.4 billion. Of this amount, $454.5 billion was earned by the white population, and $33.9 billion was received by blacks,* representing 6.9 per cent of the total. In 1956 the income of the black population amounted to $14 billion or 5.7 per cent of the total. During recent years the share of aggregate money income received by blacks has been increasing.

If we assume that the same annual increase in the proportion received by blacks during the period 1956-1968 continues during the next decade, blacks would receive about 8.8 per cent of aggregate money income in 1980. If present overall trends continue, aggregate money income might amount to $843 billion in 1980, expressed in 1968 prices. The division might be $769 billion accruing to the white population and $74 billion accruing to blacks.

Thus, during the 1970s, sizable gains will undoubtedly be registered in the aggregate money income of blacks as well as for whites. But the relative improvement for blacks would probably be substantially greater. This can be seen most clearly when the income figures are expressed in per capita terms. In 1968 aggregate money income per head was $2,465; it was $2,590 for whites and $1,590 for blacks. By 1980 the total may rise to $3,465 per capita. The corresponding figures for whites and blacks may be about $3,648 and $2,277, respectively. Consequently, for whites aggregate money income might increase by 40 per cent; but for blacks, the gain in per capita terms might be as much as 50 per cent.

In conclusion, the black community is expected to share somewhat more fully in economic growth in the current decade than it did in the last. However, this projected result is based on the assumption (which may prove to be optimistic) that blacks will be able to acquire skills at an accelerated rate and that racial discrimination and other barriers to participation in an open economy will be appreciably lessened.

V. The Minimum Wage and Youth Unemployment

As I mentioned above, the persistence of high levels of unemployment among youths—both black and white—is a widely-noted and troublesome problem. In fact, the situation among black youths is particularly distressing. In the fourth quarter of last year, the unemployment rate among workers 16-19 years of age was 15.6 per cent—compared with an overall rate of 5.3 per cent, and rates of 3.6 per cent and 5.2 per cent, respectively, for adult males and adult females. Among blacks, the overall rate in the same period was 9.9 per cent; it was 5.9 per cent for black men and 9.3 per cent for black women. But for black youths, the unemployment rate was

* These figures relate to "nonwhites" in the Census data.

35.9 per cent. In contrast, among whites the overall rate was 4.7 per cent. It was 3.4 per cent for white men, 4.6 per cent for white women and 13.2 per cent for white youths.

As I also mentioned above, the youth unemployment rate has risen significantly in the last decade. Before the early 1960s, joblessness among youth was about two to three times the level of that of adults. However, since 1963, the rate has been four or five times greater. Moreover, the incidence of unemployment has fallen more heavily on black youth: the ratio of the black youth unemployment rate to the white youth jobless rose from 1.80 in 1963 to 2.90 at the end of 1972. Several developments over the past decade have contributed to the teenage unemployment problem: the substantial growth in the youth population, an increased proportion of school enrollees competing for part-time jobs, the movement of families from farms to the city where teenagers must compete in the urban labor market, and the effect of the draft with its attendant uncertainties.

In addition, the minimum wage laws have increasingly been a subject of scrutiny by economists attempting to analyze the youth unemployment problem.[4] Last year amendments to the Fair Labor Standards Act (FLSA) were introduced in Congress which provided for a youth "subminimum" wage. The Administration had proposed a 20 per cent differential for workers under 18 years old and for full time students. In addition, it recommended this 20 per cent differential for all 18 and 19 year olds for the first six months of their *first* job. This proposal was an attempt to " . . . recognize that during the early phases of a first job, the young person is in need of familiarization and orientation with the world of work. . . ."[5] A bill introduced this year incorporates substantially the same features.[6] These proposals are based on the assumptions that increases in the level of minimum wages and broadening of the coverage have had an adverse impact on teenage employment opportunities.

A number of empirical studies have been conducted in an attempt to determine the relationship between the minimum wage and teenage employment. These studies, unfortunately, provide no consensus. A number purported to find disemployment effects among teenagers from rising minimum wages; others concluded these effects were not evident. While time does not permit an assessment of all of the studies, several major research efforts are reviewed below.

The Bureau of Labor Statistics conducted a series of studies,[7] and reported that increases in the level and coverage of the Fair Labor Standards Act (FLSA) may have contributed to the employment problem of young people. Yet, BLS concluded that, in general, it was difficult to dis-

4. In passing, it may be noted that the prevailing minimum wage is $1.60 an hour for nonagricultural workers in covered employment. In the last session of Congress proposals were made to raise the legal minimum to $2.00 an hour (House-passed bill) or to $2.20 an hour (Senate-passed bill). Currently, proposed legislation in the House provides an increase to $2.10 an hour.

5. Testimony of Secretary of Labor Hodgson before the Subcommittee on Labor, Senate Labor and Public Welfare Committee, May 26, 1971.

6. Introduced by Congressman John N. Erlenborn of Illinois. Notably the bill provides for youth minimum for full time students and for nonstudents 16-17 years old for the first six months on the job. Eighteen and nineteen year olds would be covered by the full standard.

7. "Youth Unemployment and Minimum Wages," *Bureau of Labor Statistics, Bulletin 1657*, 1970.

entangle such effects from numerous other influences—such as growth in the youth population, the military draft and other factors. This conclusion was based in part on results of statistical analysis (using regression techniques) in which teenage unemployment ratios by age, race, and sex were related to the armed forces participation of teenagers, agricultural employment ratios, the unemployment rate of adult males (a proxy for the business cycle), the proportion of teenagers in the population, a minimum wage variable, and a variable (dummy) representing manpower programs.

Some Tentative Conclusions

From the results obtained, some highly tentative conclusions emerged. Extensions of coverage of minimum wages may have more of an effect on teenage employment than the level of minimum wages; Federal manpower programs may have offset the disemployment effect of minimum wage changes; and FLSA seemed to have had a larger effect on 16-17 year olds than on 18-19 year olds. In a related study, the BLS found that employer attitudes (as reflected in a BLS survey) suggested that a substantial youth wage differential (at least 20 per cent) might provide an incentive to overcome the apprehension of employers about the quality of teenage job seekers—especially 16 and 17 year olds.

Other researchers have reached different conclusions. One of these[8] found that increases in either the level or coverage of FLSA led to an increase in teenage joblessness. The author of this study employed a statistical technique in which he regressed unemployment rates by age, sex, and race against the jobless rate for males 25 and older, the minimum wage as a proportion of average hourly earnings, and the proportion of black teenagers in the population. He observed that the increases in unemployment among teenagers corresponding to an increase in either the level of coverage of minimum wage were higher for black youth than for white and for females than for males. When the same analysis was applied to men 20-24, FLSA changes did not appear to have a noticeable impact. However, this study may not have included all the relevant variables. Notably the author did not account for the increased proportion of all teenagers in the labor force, and another study[9] which took into account the sharp rise in the teenage population reported no statistically significant unemployment effects.

Another study reached conclusions similar to those described above.[10] Using statistical techniques[11] which related the employment rates of teenagers to "normal" employment (trend growth), transitional employment (the difference between normal and actual employment) and the minimum wage as a percentage of average hourly earnings times the estimated coverage, the authors concluded that increases in the minimum wage

8. Thomas Gale Moore, "The Effects of Minimum Wages on Teenage Unemployment Rates," *Journal of Political Economy* (July/August, 1971).

9. Masanore Hashimoto and Jacob Mincer, "Employment and Unemployment Effects of Minimum Wages," *The NBER Survey of Research into Poverty Markets*, National Bureau of Economic Research (forthcoming).

10. Marvin Kosters and Finis Welch, "The Effects of Minimum Wages by Race, Sex and Age" in *Racial Discrimination in Economic Life*, edited by Anthony Pascal, 1972.

11. In this study, nonlinear regressions were used.

sharpened the vulnerability of teenage employment to cyclical fluctuations and also decreased the teenage share of total employment. Moreover, the authors found that black youth bore a disproportionate share of the disemployment effects. However, a criticism may be leveled at this study too, on the grounds that the authors excluded from their analysis other factors—such as population growth, school enrollments, etc.—which would presumably have had an effect on the teenage share of employment.

It is difficult to draw firm conclusions from these empirical studies unless one is willing to play one methodology off against another. On balance, however, I think the evidence tentatively suggests that changes in the FLSA may have had some adverse impact on teenage employment—especially through the extension of FLSA coverage to service and trade establishments with amendments in 1961 and 1966.

In the light of this tentative conclusion—and given the extremely serious problem of youth employment (particularly among black teenagers)—I think a youth differential may, to some extent, alleviate the burden of youth unemployment. But I would not expect the establishment of a below-minimum entry wage to result in an expansion of the teenage share of employment. Instead, a differential might maintain the employment status quo in that it might preserve jobs which may otherwise disappear with increases in the minimum wage. And, judging from the evidence presented in some of the research studies, I would expect a youth differential to have the greatest impact on 16-17 year olds—the majority of whom are currently earning less than the minimum wage.

Before ending this section, let me make a few additional observations with respect to the conclusions reached above regarding the introduction of an entry wage for youth below the statutory minimum. I appreciate the fact that a number of economists, public officials, and other observers (as well as officials of trade unions) have long held the view that such a provision would undercut the hard-won gains made by the labor movement over many years. I admit that, if employers could pay wages below the statutory minimum, they most likely would use the option to attract employees whom they otherwise might not be willing to put on their payroll. That is precisely the point: the willingness of employers to bring in teenagers as well as any other employees presupposes that the productivity of the newly-hired worker would at least equal the wage—after some reasonable allowance for learning time. On the record, it appears that a substantial number of employers have concluded that a considerable proportion of young people simply cannot meet that test. An entry wage below the statutory minimum would help to reduce this employment disincentive.

At the same time, I also realize that safeguards would have to be built into any amendment to the Fair Labor Standards legislation. Undoubtedly, some employers would attempt to replace some of their high-wage employees with workers to whom they could pay less. But the extent of that risk is uncertain. Against it must be offset the present certainty of persistent high unemployment among young people. I know that any substitution of lower paid youth workers for higher paid, more mature employees would involve some cost; but some benefits would also result. Thus, it becomes a question of trade-offs. Under the circumstances which

Table 2.

Expenditure, Enrollment and Black Participation in Selected Manpower Programs for Fiscal Years 1965-1973

Program	1965	1966	1967	1968	1969	1970	1971	1972p	1973e
Manpower Development and Training Act (MDTA) Institutional									
Expenditures ($ Millions)	180	249	221	250	248	260	338	406	341
Enrollment (Thousands)	145	177	150	140	135	130	156	151	
Black enrollment (Per cent)	30	35	38	45	40	36	39	33	
On Job Training									
Expenditures ($ Millions)	33	27	53	69	65	50	54	68	76
Enrollment (Thousands)	12	58	115	101	85	91	99	82	
Black enrollment (Per cent)	21	22	24	33	35	30	26	24	
Job Opportunities Business Sector (JOBS)									
Expenditures ($ Millions)	—	—	—	—	42	136	177	127	92
Enrollment (Thousands)	—	—	—	—	51	87	93	83	
Black enrollment (Per cent)	—	—	—	—	78	72	56	46	
Neighborhood Youth Corps									
Expenditures ($ Millions	125	241	247	341	288	292	364	501	407
Enrollment (Thousands)	138	423	556	467	504	482	740	1071	
Black enrollment (Per cent)	45	45	49	46	47	44	54	56	
Job Corps									
Expenditures ($ Millions)	37	229	321	299	235	144	174	188	177
Enrollment (Thousands)	n/a	n/a	n/a	65	53	43	50	49	
Black enrollment (Per cent)	n/a	n/a	n/a	59	58	61	60	61	
Operation Mainstream									
Expenditures ($ Millions)	—	10	9	31	37	42	69	75	82
Enrollment (Thousands)	—	n/a	11	13	11	12	22	38	
Black enrollment (Per cent)	—	n/a	n/a	25	21	25	24	20	
Concentrated Employment Program (CEP)									
Expenditures ($ Millions)	—	—	—	68	141	164	158	158	128
Enrollment (Thousands)	—	—	—	53	127	110	94	85	
Black enrollment (Per cent)	—	—	—	81	65	67	60	58	
Work Incentive Program (WIN)									
Expenditures ($ Millions)	—	—	—	—	26	82	94	131	316
Enrollment (Thousands)	—	—	—	—	81	93	112	120	
Black enrollment (Per cent)	—	—	—	—	40	43	40	36	
Public Employment Program (PEP)									
Expenditures ($ Millions)	—	—	—	—	—	—	—	559	1088
Enrollment (Thousands)	—	—	—	—	—	—	—	226	97
Black enrollment (Per cent)	—	—	—	—	—	—	—	21	22

p — Preliminary e — Estimate n/a — Not available

Sources: Enrollment data is from **Manpower Report of the President** (1968, 1969, 1970, 1971, 1972), U.S. Department of Labor, Manpower Administration. Expenditure data and 1973 estimates are from The Executive Office of the President, Office of Management and Budget.

are already prevailing, a disproportionate share of the burden of unemployment is borne by teenagers. This is especially true in the case of black teenagers.

So, I have concluded that the appropriate course for public policy at this juncture is to shift some of that burden to the shoulders of those better able to bear it. If this requires the use of public funds to provide modest subsidies to private employers to induce them to hire more teenagers while limiting the replacement of more skilled workers, I personally believe that would be a good use of the public's tax money.

VI. Federal Manpower Programs and Black Employment

At this point in the discussion, I would like to explore briefly participation by blacks in the principal manpower programs sponsored by the Federal Government—especially in the decade of the 1960s. These programs are currently undergoing a reassessment, and—depending on the final outcome of the review—the implications for black employment may be particularly serious.

Blacks have been well represented in Federal manpower training programs. In fact, their participation in all major programs has been well above their proportion in the work force. However, this parallels to some extent the proportion of the low income population that is black. Black participation rates by program are shown in Table 2. A trend is clearly evident: expenditures on programs increased quite rapidly from the introduction of the fiscal 1965 of the War on Poverty programs to a peak in 1968, and expenditures tended to taper off in each subsequent year until the introduction of the Emergency Employment Act in 1971.

Prior to 1968, blacks increased their participation in most programs each year as special efforts were made to increase their enrollment. As funding levels eased off in 1969 and 1970, black proportions declined somewhat—in spite of increases in the total number of enrollees in the programs—and black participation continued to edge down in 1971 and 1972. More than likely this result was due to the lower level of program expenditures in combination with the 1970-71 recession. As workers were laid off during this period, they may have displaced the more disadvantaged—mostly blacks—as enrollees in training programs.

In 1965, blacks constituted about 30 per cent of MDTA institutional training—one of the largest manpower programs in terms of expenditures. By 1968, they accounted for more than 45 per cent, but their share eased off in each subsequent year so that in 1972 only one-third of MDTA enrollees were black. Similar trends are evident in other major manpower programs: the MDTA on-the-job training program served about 12,000 individuals in 1965, one-fifth of whom were black. By 1968 the black proportion had risen to over one-third, but in 1972 their share had declined to about one fourth. The Job Opportunities in the Business Sector Program, designed to provide jobs to the hard-core disadvantaged, was introduced in fiscal 1969 with enrollees who were about 80 per cent black. However, the proportion dropped off sharply to about 45 per cent as the impact of the recession was felt. The same pattern can be observed for the Concentrated Employment Program.

Only in two of the major manpower programs did blacks maintain their peak participation: Neighborhood Youth Corps and the Job Corps. Both of these programs were tailored to serve inner city youth and, as such, were somewhat insulated from the change in clientele brought about by the economic slump.

Current Status and Future Manpower Programs

Outlays on manpower programs are expected to be reduced about 10.8 per cent to $4.8 billion in fiscal 1974. The decline is mainly attributable to the phaseout of the Emergency Employment Assistance (EEA) program which had funded transitional public service jobs for States and localities. New Federal spending is primarily confined to veterans and rehabilitation programs and the Work Incentive Program.

The WIN program apparently will be emphasized by the Administration. It was revamped in 1972 by amendments to the Social Security Act of 1967 and the Revenue Act of 1971 after little success with the institutional training approach. Under the first of these amendments all "able-bodied" welfare recipients are required (as of July 1, 1972) to register for jobs or job training under WIN except those who clearly cannot work —the aged, children under 16 years, etc. The Federal Government funds up to 90 per cent of the cost of manpower, childcare, and other supportive services with the remainder picked up by the States.

At least one-third of WIN expenditures must be used for on-the-job training and public service employment—reflecting a clear preference for jobs rather than classroom training. After six months of registering eligible persons on welfare (about 566,000 AFDC recipients), the Manpower Administration in the U.S. Department of Labor reported that 39,450 had been placed in unsubsidized jobs, and an additional 9,718 had been placed in job training or public service jobs with wages paid by the WIN program. The Administration estimates that in fiscal 1973, a total of 150,000 welfare recipients will be placed in jobs while a total of 120,000 will be referred to training. The comparable fiscal 1974 figures are 165,000 placed in jobs and 132,000 referred to training.

The amendment to the Revenue Act of 1971 provides employers with a tax credit for wages and salaries of WIN graduates—20 per cent provided the employee remains on the payroll for 12 months. The tax credit may not exceed $25,000 plus 50 per cent of taxpayer's income tax liability in excess of $25,000 in any one year, but the credit may be carried back three taxable years and/or forward seven taxable years. Since July 1972, about 6,232 persons have been claimed by employers under the Job Development Tax Credit. This part of the program may be expected to expand in fiscal 1973 and 1974 if more private employment opportunities become available.

The traditional manpower programs under the Manpower Training and Development Act (MDTA) and Economic Opportunity Act (EOA) will be replaced by Manpower Revenue Sharing. Although Manpower Revenue Sharing legislation was not passed by Congress in the last session, the budget for fiscal 1974 established revenue sharing *de facto* by decategorizing existing manpower programs under MDTA and EOA (including

MDTA institutional and on-the-job training, Neighborhood Youth Corps, Operation Mainstream, and Concentrated Employment Program) and making available block grants to State and local governments to choose program mixes which they believe are best suited to local conditions. The critical factor here is that decision making will be transferred to State and local governments. The Administration feels the shift will increase the efficiency of program design and implementation. However, it is impossible to predict the results of this change at this time.

In fiscal 1974 and 1975, about 75 per cent of the program funds under MDTA and EOA will be made available to States and localities. The remaining 25 per cent will be retained at the Federal level for national supervision, research, and demonstration. The transfer of policy making will build on CAMPS (Co-operative Area Manpower Planning Systems) committees which are advisory councils appointed by State or local elected officials and responsible to them. The councils will advise State governors and mayors on manpower needs and programs and assist in the development of comprehensive manpower plans for their areas.

The funding of programs under manpower revenue sharing was cut back in fiscal 1973 by some $250 million, and further across the board cuts are expected in fiscal 1974. Major programs affected by reduced outlays are MDTA institutional, Concentrated Employment Program, and the Neighborhood Youth Corps (where funding will be reduced by about $150 million from the fiscal 1972 levels). The Job Corps will continue to be run on the Federal level, but spending will be reduced, and it is anticipated that a number of the Job Corps centers will be closed. The Job Opportunities in the Business Sector (JOBS), run by NAB will continue to be Federally funded.

Since its August, 1971, inception, the Public Employment Program has employed a total of 283,147 people.[12] As of the end of November, 1972, 143,561 were employed in PEP slots. Of these, 22 per cent were black; about 40 per cent were disadvantaged. Jobs under PEP were temporary employment, and the Manpower Administration reports that 56 per cent of the enrollees had found permanent employment either with the program agent, other public agencies or the private sector. The Administration plans to phaseout PEP primarily because the number of private sector jobs has increased substantially, unemployment has declined, and the financial ability of State and local governments to meet the demands for public services has improved. However, although Federal funding will terminate at the end of fiscal 1973, mayors and governors are anticipated to continue to support some public works opportunities under manpower revenue sharing.

But whatever course the Federal Government manpower program finally takes—and in whatever form they may be continued at the State and local level—it is clear that blacks have a major stake in the outcome. Without some continued—and substantially broadened—training and skill-upgrading efforts, there appears to be little likelihood that blacks will greatly improve their employment position in the years ahead.

12. Latest available data were through November, 1972.

REPARATIONS AS A METHOD OF ACHIEVING ECONOMIC PARITY

by Robert S. Browne

In the eloquent letter which Vernon Jordan wrote inviting me to speak on this program he referred to the future as a present expectation, and in developing that concept he alluded to the National Urban League's need to consider the future consequences of present policy decisions. He mentioned a number of other things as well, but it was this latter emphasis which struck me as being of particular importance.

Historically, the black community has been left out, either deliberately or inadvertently, from the planning process which has helped to shape American society. We have been omitted individually, in the sense that black persons have not customarily been appointed to the boards and commissions which play the major role in influencing the configuration of this country. And we have been omitted as a people in that our interests have generally not been recognized as a legitimate factor to be afforded explicit consideration when major national policies were being formulated. To be sure, the situation is being rectified to a very small extent, as exemplified by my illustrious colleagues here: Dr. Andrew Brimmer sits on what may be the most powerful board in the country, and Dr. Vivian Henderson sits on the board of the wealthiest, and probably the most powerful, foundation in the world, the Ford Foundation. However, they both must be viewed as exceptions which prove the rule, and also as "recent phenomena" —hopefully indicative of what the future holds but hardly representative of what the past has been or of what the present reality is.

Far more typical of the existential reality is the report which one of my associates recently gave to me describing the results of some investigation which he had done on the planning for the Tennessee-Tombigbee Waterway Project. This project is a multi-million dollar undertaking which is being projected as a new TVA. It expects to revolutionize the economy of much of the mid-South, including portions of Kentucky, Tennessee, Mississippi, Alabama, and western Florida. Tremendous industrial development is predicted for the area as an extensive network of inland waterways is opened up and as cheap electrical power is made available from a series of dams which are to be constructed. A significant chunk of the Alabama black belt lies right in the path of this new development, including counties with populations 60 percent and 70 percent black.

Despite this fact, there are no black persons involved in the regional planning commission which is charged with fashioning the future of this

entire area for generations to come. Furthermore, my colleague informed me that he found no indication that the commission had either instructions or inclination to give any special consideration to the black communities' needs or wishes. Indeed, the preliminary information which was leaking out about the commission's work suggested that the black community was likely to be victimized in advance of any benefits which might ultimately flow from the project.

This is, of course, only one example of the type of basic planning body whose decisions will intimately affect black people, and from which we are effectively excluded. Many others might be mentioned. In putting the problem in its proper perspective it should be noted that even the appointment of one or two black individuals to powerful policy-making boards and commissions by no means guarantees that black interests can be protected or advanced, because they can be easily outvoted. However, their very presence should at least assure that the black community's needs will get a hearing, which is often not the case nowadays.

As a national advocacy organization, the Urban League can continue the struggle to see that suitable black persons are named to such bodies. A simultaneous effort, however, could be launched to monitor the work of the various area development commissions and boards, the Federal and State commissions dealing with matters of interstate commerce, anti-trust, utilities, and the host of other economic forces within the nation which on the surface may appear to be disassociated from any racial consideration but whose policies may in fact have significant impact on the black community. The advent of revenue sharing makes such monitoring vital at the State level also.

Power of Taxation

There are few powers wielded by government which have greater force than the power of taxation. Indeed, along with the powers of conscription and of law enforcement, the power to tax probably defies the basic concept of government. Lodged within the power to tax lies the power to fashion the nature of society, to create or to destroy various groups within the society and to determine their relative status, the power to influence the rate at which society's resources are exhausted or conserved and for whose benefit they are used or preserved. At the limit, some will even argue that the manner in which the taxing power is exercised can determine whether a society can be termed a free or a totalitarian society as the terms are commonly used today.

In the America of today there is widespread agreement that the tax system is highly regressive. Eminent economists such as Joseph Pechman have documented this fact statistically, and President Johnson's Treasury Undersecretary documented it with empirical information. In fact, President Johnson himself, in his last budget message to Congress, noted that "the tax system by itself distributes income away from the poor. As a share of income, higher taxes are paid by households in the lower income classes than by those with incomes between $6,000 and $15,000." The Federal tax system is thus regressive in its effect, although the income tax has visibly progressive rates.

Other provisions of the income tax, the so-called 'loopholes' considerably reduce its progressivity. The Social Security Tax,* however, is highly regressive in its very structure and given its steadily rising rates is has become a major tax burden of the working man. Federal excise, and most especially State sales taxes add substantially to this inequitable tax burden borne by the poor, affecting even those who have no net income whatsoever.

Coupled with the burden imposed by the tax payments themselves are the overall redistributional effects created by the system in its entirety. The end result of the general regressivity of the combined systems, the extremely favorable tax treatment afforded to certain types of unearned income, and the essentially modest taxation applied to estates and inheritances, is to perpetuate the existing gross inequities in the distribution of wealth in the U.S. This maldistribution attributes as much as 31 percent of the nation's wealth to the richest 1 percent of the population! The figures on income distribution are nearly as startling: For the year 1962, the richest 5 percent of the families enjoyed 19.6 percent of pre-tax national family income while the poorest 20 percent made do on 5 percent of the total pattern which has remained essentially unchanged since the turn of the century. In a society where wealth is a major constituent of power, we can readily understand why the inequities perpetuate themselves, why the poor remain poor and why the blacks remain powerless.

Probably the only means to bring about a significant change in this grossly inequitable distribution of the nation's wealth is via a socialization of the nation's productive capital. If an individual possesses both labor and capital, his chances of being poor or in a low income percentile are substantially less than if only labor is possessed.

For individuals earning incomes under $10,000, nearly all income comes from labor. However, for individuals earning between $20,000 and $50,000 (in 1966), only slightly more than half comes from labor, while for individuals with incomes between $50,000 and $100,000 only a third comes from labor. And if you are super rich—earning in excess of $100,000 —only 15 percent comes from wage and salary earnings while two-thirds is derived from returns to capital and capital gains (the balance is composed of "small business" income).

More important than the magnitude of capital income is its unequal distribution in our economy and its monopolization by one class. Were we to socialize the ownership of capital and redistribute its returns, we could alleviate the purely financial aspects of low incomes. A direct transfer of

*The social security tax has grown faster than any other Federal tax since the Second World War. In 1971, tax collections to finance the Federal old-age, survivors, disability, and health insurance (OASDHI) programs reached $44 billion, or twenty-seven times the level of 1949. This increase, representing a compound annual growth rate of 16 percent, raised the share of this tax in total Federal revenue from four percent to 23 percent. When other contributions to the overall social insurance system are added, the total for 1971 becomes $56 billion—far more than half the yield of the Federal individual income tax.

The latest increase continues the upward trend. The maximum total OASDHI tax paid in the name of an individual rose to $811 in 1971 and is due to reach $1,404 in 1974, when the tax for a two-earner family will be as much as $2,808 a year.

(From Brittain, John A., *The Payroll Tax for Social Security*, The Brookings Institution, Washington, D.C. 1972.)

income that would bring every family up to the Bureau of Labor Statistics' "Moderate But Adequate" living standard in 1966 (roughly $9,100) would have required $119 billion. This amounts to about 20 percent of total personal income, slightly less than the proportion of personal income derived from ownership of capital!

It is not my expectation that the Urban League is prepared to identify itself with so radical a restructuring of American society as that implied by a socialization of capital. Reform of the tax system, however, offer an infinite number of options for reducing the distributional inequities short of complete socialization of capital and the League might fruitfully discuss exactly how far along the continuum of such options it wishes to go.

Having examined the options available to it, and there are a couple of groups already examining in depth the whole question of tax reform, it could determine how "radical" it was prepared to be and then join forces with other groups of similar persuasion. The question of tax reform appears to be gaining momentum as a national issue despite the setback which it suffered by the magnitude of the Nixon victory. The McGovern campaign, the Democratic Party generally, and the powerful Chairman of the House Ways and Means Committee which originates tax legislation, Wilbur Mills, were all heavily committed to tax reform last year, and while the President's current budgetary antics have effectively focussed all attention on the spending aspects of the government's fiscal operation rather than on the taxing aspect, the issue of tax reform continues to simmer just below the surface.

Community Development Corporation

The emerging realization that in a capitalist society, the non-ownership of productive capital is highly correlated with poverty and powerlessness has led to experimentation with new techniques for getting capital into the hands of the laboring population short of a total socialization of the economy. Despite a great deal of publicity given to the alleged expansion in the number of Americans who own shares in American industry, the actual figures on such distribution are not impressive. For example, in 1966 fewer than 2 percent of all taxpayers received 74 percent of all dividends and 76 percent of all capital gains. Furthermore, the really poor, lacking both the resources and the know-how, are clearly non-participants in the capital market except perhaps to the extent that they may have a meager interest in a pension or retirement fund which is in turn invested in American industry. Louis Kelso's "second income" plan, and various employee profit-sharing plans which have been pushed sporadically by organized labor and by selected employers are examples of experimentation with providing workers with an equity interest in the capital instruments which they use.

Perhaps the most notable innovation in recent years along the lines of popularization of capital ownership has been the community development corporation, or CDC. Although the format has not been standardized, the general pattern is one whereby individuals within a designated area, usually a ghetto community of some sort, are given the option to form an organization on the one-person-one-vote principle. This organization develops a plan for purchasing existing real estate or businesses, or for de-

veloping new ventures, and obtains a grant of funds to enable it to proceed to implement its plans. These ventures are operated for profit and ownership of them is lodged within the CDC, which is run by a community elected board of directors. The profits which the businesses earn are generally expected to be used to finance social programs in the community, such as day care centers and health clinics.

The CDC concept is about five years old and actual operating experience with CDCs is considerably less than that. For this reason, no conclusions can yet be drawn as to the effectiveness of the CDC as a vehicle for community economic development. In addition, the CDCs have, for the most part, been underfunded, and what may be worse— uncertainly funded—which means that they have had difficulty in recruiting top flight personnel. They suffer from a variety of internal problems which could easily be predicted, given the attempt to combine community control and social welfare concepts with the need to operate with market-type efficiency and to earn a profit. The fact that a high component of CDC programs is in reality a training function means that a traditional market test of profitability is an inadequate standard by which to judge a CDC's success.

Some of these CDCs have accomplished a great deal; others have less to show. The Bedford Stuyvesant Restoration Project is probably familiar to most of you. Its structure is, however, rather unique on the CDC scene. Uptown, the Harlem Commonwealth Council structure is more typical of the 30-40 CDCs now operating across the country. HCC is now operating a modern office building on 125th Street, a small foundry, a specialty equipment manufacturing company, together with such smaller commercial establishments as a travel agency, a data processing firm, and an office furniture store.

Other CDC ventures include fast food franchises, shopping plazas, service stations, printing companies, cinemas, grocery stores, electrical processes manufacturing, laundromats, meat lockers, plastic manufacturers. Few of these ventures are showing any significant profits but they are surviving and hopefully are creating the nucleus of a community-owned economy.

It is fairly apparent that the CDC format can be meaningful only if it manages to assume ownership and control of larger business ventures than the local boutiques and pharmacies. To acquire control of larger establishments requires considerably more capital that the CDCs generally have access to, so until this bottleneck is broken, this promising experiment in community-owned capital will be unable to demonstrate its real capabilities.

It is useful to distinguish between two separate problems which the CDC concept is attempting to confront: On the one hand there is the problem of acquisition of productive capital by black people, and on the other the problem of dispersing the ownership and control of this capital widely throughout the black community so that its benefits will accrue to the many rather than to the few. The CDC speaks primarily to the latter problem, while tailoring its program to whatever amounts of capital it finds to be available to it—amounts which have in most cases been extremely limited.

But whether the expanded ownership and community control concepts are found to be workable or not, the scarcity of black equity capital remains the major obstacle to a meaningful black economic development thrust. The need for a massive capital transfer from the white to the black community continues to be a *sine qua non* for building genuine economic parity between blacks and whites in America. The honest name for such a transfer is reparations. However, the Urban League might prefer to call it by some well-chosen euphemism. Indeed, our beloved Whitney Young often referred to a Marshall Plan for the black community, a concept which probably has much in common with the reparations concept.

The term used is not of overwhelming importance (although I fail to understand the reluctance to use the word 'reparations' in this connection. In fact, I think it has a cleansing connotation to it) but it is essential that the transfer assume the nature of a capital transfer rather than an income transfer. Without substantial capital funds under some sort of unified black control the prospects of developing black economic clout are limited indeed. To be sure, black political power offers far more promise for influencing the allocation of the nation's resources than does any foreseeable accretion of black economic power. In fact, it is only through skillful use of black political power that the capital necessary for developing black economic power can probably be acquired. The Urban League's capabilities would strike me as being well used in helping blacks to understand this need for uniting around a demand for a capital transfer and for utilizing it in what might appear to be an elite fashion.

There are several other avenues to the acquisition of investment and development capital which we at the Black Economic Research Center are either exploring or contemplating exploring on behalf of the black community, and in some of these efforts we feel that other groups could perhaps do the job more effectively than we can. Foreign nations constitute one possible source of development capital for the black group which has not been deeply probed. The mandatory pension funds in which blacks have invested millions of dollars but have no control over their use constitutes another potential source of investment capital. Although perhaps not very large, the portfolios of our endowed black institutions could perhaps be tapped to some extent in order to provide funds, at least for proven black business ventures.

Although I have no precise information on this, the rather substantial number of blacks who are earning six figure incomes in the worlds of sports and entertainment may offer a reservoir of investment capital which could be mobilized into multi-million dollar black corporate profits if a prestigious group were to organize a well thought out program along these lines.

Finally, I feel that it is time for the black community to take a serious look at the powerful world of the private foundations. The assets at the disposition of these foundations exceed $2 billion which have a public character to them because they have, to a large extent, been diverted from the public coffers. A few of these foundations have been generous about allocating a portion of their earnings for the improvement of the conditions of minorities but most of them have not been so inclined.

Even those which do funnel substantial grants to the minority community, however, do so in pursuit of agendas of their own creation, usually with only minimal input from the black community.

Last spring, at the annual conference of the Council on Foundations, Vernon Jordan made an eloquent statement urging that the Foundation recognize and accept its social responsibilities to a greater extent than it has. I would suggest that senior consideration be given to carrying this plea one step further by launching an all-out campaign to persuade the larger foundations to transfer a portion of their capital assets to one or more new minority-controlled foundations. I think we should target the funding of perhaps three or four black or minority-controlled foundations, each with $50 million or so of assets. The earnings from these foundations could fund many of our communities' social projects while a portion of the assets could serve as investment capital for a range of black entrepreneurial ventures, some new and some existing which need additional capital.

I think, for example, of Dr. Brimmer's insightful article in a recent issue of *Black Enterprise* where he rang the alarm on the fact that some of our stable black financial institutions, such as savings-loans associations and insurance companies, were in danger of being bought out by whites because of the inability of the black community to mobilize large sums of investment capital—a prediction, incidentally, which has already come to pass in at least one significant instance. So, without wishing to minimize the importance of a major effort to mobilize the savings which do exist within the black community and to channel them into black developmental activities, we should also mount a simultaneous effort to acquire some control over the quasi-public monies now administered by the giant foundations, as well as over the mandated savings of black people which are administered as private pension and retirement funds.

The foregoing comments are perhaps longer than they should be but briefer than they need to be if new vistas are indeed to be opened. However, in the discussion period to follow I hope that I can clarify and expand upon anything which I may have said which perhaps touched a responsive note.

THE CASE FOR THE WORKING POOR

by Vivian W. Henderson

The title of the panel, Economic Policy and Income Security, and questions implied in this title, have to be viewed in a framework that has four basic dimensions. The data that has been presented by Governor Brimmer fits into this framework and supports the four dimensions that I shall try to describe and deal with very quickly.

The first dimension is this: The "services strategy" which has been operating in this country since the days of the New Deal as a basic approach to assure certain minimums for all members of the society and particularly for those who do not share equitably in the returns from production is clearly under attack by national policy. We have been living with it for a long time and the Urban League has been one of the advocates of the services strategy. It is under the most severe attack we've had since its beginning.

The services strategy has been vital to national efforts to alleviate the miseries and disadvantages associated with low income, limited access to health and legal services, services for child-care, man-power services, educational services and others. This services strategy is under severe attack in circles of national policy makers and, increasingly, among intellectuals and among liberals. I would suggest moreover that it appears to be headed to even more drastic curtailment and possible abandonment.

Thus one of the things that we have to be concerned about in terms of national policy regarding economic and income security is how does an advocate organization begin to place in perspective and get a handle on dealing with this attack on the fronts that are before us with regard to the services strategy.

The second dimension is that the once hoped for income strategy in the form of guaranteed income and welfare reform has apparently been abandoned for the present by the national administration. Now while I do not support guaranteed income as advanced by Theobold and others in the sense that it would be a guaranteed income for everybody regardless of circumstances, I do recognize the value of such a concept in program for certain groups in the society. At any rate, the income strategy that Mr. Nixon once espoused as a substitute for welfare doesn't appear to be going anywhere. An income strategy is basic to the support and the security of many poor people and this is a matter that is of serious concern to all of us.

Next while the services strategy is under attack and is being emasculated and an income strategy doesn't appear to be on the national agenda,

alternatives are confused from the standpoint of economic policy. Indeed if alternatives exist they are not being projected in such fashion that they can deal with a variety of economic security problems associated with the millions of people with whom we are concerned. The exception to the statement that there is no alternative is that provided by the so-called "new federalism." This seems to be the basic alternative to services and income strategies which I suggest we have to be concerned with here today.

New federalism embraces two basic concepts. One, the concept of state and local responsibility for meeting the problems of the poor theoretically with revenue sharing dollars. Second, the new federalism involves a concept of voluntarism by business, labor, local and State governments, and even do-gooders who would do for the poor what all logic and history tells us should be done through national policy and what further logic and history tell us will not be done by groups, such as those mentioned, on a voluntary basis.

The fourth dimension in the framework involves a very tough problem which I'm not too sure many of us in the advocacy field really understand or which we are really willing to recognize as a realistic part of the problem we have today and that is the serious problem of inflation.

National economic policies, part of the subject of the panel, not only have not been effective in halting inflation, but in the trade-off between the economic policies themselves to try to halt inflation and the application of measures to improve upon income and economic security of the underclass it is the latter that has lost out and suffered the most.

In essence this means then that whereas we are willing to continue to spend vast sums of money for space and the military, we are willing to sacrifice in the name of combatting inflation, the kinds of programs that not only should have been continued in many instances despite some of their failures, but also new kinds of programs that should have been started if we're going to deal with the problems of concern to the National Urban League. It is a fact that it is national policy that really is most effective in dealing with the problems of the poor, meeting the problems of unemployment, improving the income of the people. It is national policy that has done most to bring the situation of blacks to the point where we are today. It is national policy that has been responsible for the growing black middle class and so forth and so on. In other words I firmly believe that we are witnessing a situation, whereby the "under-class" is being sacrificed in the name of combatting inflation. This is found in the budget and fiscal policies of the country and it's a very tough problem. I'm not too sure that we have the right answer to this problem; but it is very apparent that we're in a period of public policy for the present time and apparently for the next three years which suggests that in this trade-off that it is the underclass that is going to be most severely affected.

Framework Provided

While not all inclusive, these four dimensions seem to me to provide the framework within which a discussion of economic policies and income security must be realistically faced. Let me lift up a bit more clearly my reference to the intellectuals and the liberals. I have no quarrels with

either one. But you know sometimes the intellectuals and the liberals are our greatest enemies. We found this out in 1968 when they elected Mr. Nixon. The point to be made is that no one ever knows what an intellectual or a liberal will do. But right now there's a whole rash of publications of research findings by liberal intellectuals, so-called, attacking, for example, education and training as vehicles for economic and social advancement and attempting to demonstrate the ineffectiveness of anti-poverty programs in their skirmish against hunger and poor health services and legal services and the like. The most famous one, I think in recent months, has been the book by Christopher Jencks, entitled "Inequality." Unfortunately I do not see black scholars writing this kind of research and reflecting on such questions as those tested by Jencks. Another aspect of this and what I am deeply concerned about and where I think we need to be more actively involved is the use of racial data in Washington, D.C. I am amazed by the fact that so much of the racial information and data we need to make the case, to advance our arguments, is being minimized in the publications coming out of Washington. As a matter of fact the matter of racial data is perhaps the most benign aspect of the publications coming out of Washington at the present time. In other words while the status of black people in the economy, as has been pointed out by Governor Brimmer has been improving in recent years, it is a fact that blacks are still characterized in the economy by disproportionately high levels of economic insecurity, unemployment and underemployment, a disproportion of low income families, and widening gaps in the dollar income between blacks and whites.

I shall not go into detail regarding the unemployment data since it is included in Governor Brimmer's paper. I would only mention one other aspect of it and that is the whole matter of the so-called spread of unemployment amongst the people today. At one time it was convenient and useful to talk about unemployment, for example, in a broad perspective without clear analysis of sub-groups in the labor force. The fact is unemployment falls with varying force on different groups and with different impacts. You heard this from Governor Brimmer with regard to the teenage part of the labor force. I looked at some data the other day on the City of Atlanta where I find in places like Pittsburgh and Mechanicsville, for those who are familiar with that city, that unemployment in some of these ghetto pockets in the inner city, the poverty pockets, is not nine percent as reported in the newspapers, but runs as high as 25 percent and 30 percent of the people in the labor force. The important thing about this is that we are talking here about people who are looking for jobs, who are seeking employment, but who can't find it. We are not talking about those who have been pushed out of the labor force, who have given up and are no longer active participants.

The second aspect of this employment picture is the question of under-employment. I shall not dwell on it but simply say this. This is one of the most difficult indices to get a hold of. We have not found adequate measures of the so-called under-employment in the society. But at the same time we do know that the underemployed is the source of a great deal of the insecurity that we are concerned with here today. The underemployed is often the marginal worker, the person who is in and out of the labor

force who doesn't get caught up in the statistics. They are the ones who don't get a great deal of attention by groups such as the Urban League. The slightest change in economic conditions has the greatest impact on the person who is in and out of the labor force.

The underemployed includes those who work involuntarily part time while desiring full-time work. They include the seasonal workers. They include those who are working full time in jobs below their capacities and capabilities as indicated by education and experience; and their earnings fall below what they appear to be capable of earning. These are often the working poor, the hard-working poor, those who work all day, ten hours a day and eight hours a day, at poverty wages.

It is these, it seems to me, that we need to start giving much more attention. It is the working poor who need organization. They need help and leadership. They're the ones who can rise above the level of underemployment if they can get the power and the kind of systematic leadership and organization that would help them to do so.

There's another category beyond the unemployed and the underemployed, which was only touched on by Governor Brimmer and that is a growing situation of distress. It is also overlooked. These are persons who are disappearing from the labor force. Some refer to them as the hidden unemployed. They're the non-participants. These are people in the working-age population, 16-64. I'm primarily concerned with that part of the group between the ages of 25-54, the prime labor force. The data shows that it is this group among which disappearance from the labor force is increasingly going up.

For example, I noted the data between 1960 and 1972 on black males, 25-54 years of age, that the participation rate for this group declined by five percentage points in that period from 95 percent to 90 percent. The point to be made here is that we have a growing underclass, a group that is shifting from participation, a group that is apparently being discouraged, a group being pushed out by technology, shifts in industry's sources of employment, shifts in the occupational sources of employment, and people who give up and become the non-participants and the so-called "burdens" to the taxpayer.

One thing that was done a few years ago which didn't get too much attention and which has not really gained much momentum has been a development of a theoretical framework referred to by Howard Rosen and some of his colleagues down in Washington called a "sub-employment index."

What Mr. Rosen tried to do was to take the unemployed, the underemployed, the part-times and the non-participants and put them into a single index which would summarize the status of the unused labor force (the sub-employed or those who were getting "done in" by the economy). Rosen was trying to say if we could get a handle on this, we would be able to more adequately depict the plight of those whom we sometimes refer to as in the underclass.

One of the pieces of data which stood out in the late '60s was that in so many parts of our inner cities when we take all three of these groups, the underemployed, the unemployed, and the non-participants, and lump

them into one index, we find among the blacks in the working-age population that as much as 33 percent would be classified as being unused or underused parts of the labor force.

You've heard the data on the income. All of these things in the final analysis are summarized in the income picture. It is a fact that income among blacks has been improving. There's no question about that. At the same time we still have a disproportionate number of black people who find themselves in the low income groups. For example, we know that, for one reason or another, because of redefinitions and other kinds of things, there has been for the first time a slight increase in the number of people and families classified as being in the poverty category. In other words when Lyndon Johnson started the war on poverty that Mr. Kennedy had talked about, we had some 40 million people living in abject poverty. This declined down to about 25 million people. In the last couple of years, this has now gone up to approximately 26 million people. Most of the increase was among black families. In other words I think the picture is one where this whole question of economic insecurity is a very serious matter and one to which we need to bring ourselves to bear.

Shift In Industry

There are several aspects of the problem that have not been mentioned here today. I was simply going to mention them in passing, but I think they ought to be noted. What is happening in regard to the shifts in industry location? One study a few years ago showed, that while the employment in manufacturing in the suburban rings increased in a period of about seven years by some 968,000 jobs, at the same time in the inner-cities of those metropolitan areas manufacturing employment declined by some 300,000 jobs.

In New York City, you may have noticed in the newspapers here about three or four weeks ago, it was interesting to note that there was a significant increase in employment outside Manhattan and in the suburban rings and a significant decline, somewhere around 250,000 jobs in the last four or five years, in the inner-city. Governor Brimmer mentioned the fact that there have been industry and occupational shifts in employment, a shift to service-producing kinds of industries for employment. This is where we have found our niche in the employment scheme of things.

I do want to mention one caution I have about this proposition regarding the minimum wage. The service producing industries in so many cases are the lowest paid industries in the employment stream. This is the growing sector and many youth will be employed there. I would request the minimum wage for youth. I could go on and talk about the question of technology and the like. But what all this adds up to and what I think we've heard here today is that there is a mixed bag when it comes to questions of economic security for blacks and poor people in this country.

It's mixed because on the one hand we see considerable improvement in the economic situation of black people. We see a growing middle class. We see improvement in the educational status. We see improvements in their occupational status. But on the other hand for large numbers of black people as much as 45 percent of their sharing in this improvement has

been minimal. As a matter of fact one of the phenomena that the sociologists observed in recent years is that even within the black community, there's a growing gap between the middle and the advantaged groups and the underclass. I think these are the things that we ought to be concerned about. I should like to conclude by pointing up some of the matters that I think all of us might address ourselves to.

Not enough attention has been given, in my judgment, to the working poor. It is significant that when Martin Luther King was killed five years ago, he was in Memphis and his mission there was to organize the working poor. I think it is significant that some of the most important confrontations we have had in recent years have been for the working poor who are trying to get a better piece of the action and a better piece of the pie. Organizations like the National Urban League with its program of advocacy, leadership development, organizing and mobilization of communities must interest itself, not only in welfare, in the unemployed, but also in those people who work hard every day, who get low wages, in those part-time workers, in the seasonal workers, in the rural migrants.

Strategies in this area are awfully important. Revenue sharing is upon us. Thus I think the Urban League must pay more attention to what is happening in local and State governments. In Atlanta we have a mayor who has advocated using the revenue sharing dollars to give water rebates to the homeowners, averaging about $44.50 per homeowner. Of course, it will mean a whole lot more to those landlords and those slumlords who pay the water bills. It'll mean nothing to the renter and the like. We have to begin to pay a whole lot more attention to revenue sharing since it is here. New federalism apparently, is going to be with us for the next three or four years. It is what is happening in the local and State governments.

The National Urban League has a history of paying attention to welfare services and housing. I think we have to pay just as much attention to some of the other aspects of the problem at local and State levels. At the same time I think that we cannot ignore the fact that we cannot just fall into the trap of local and State governments and what is happening in terms of revenue sharing.

I am deeply disturbed by those who believe that a return to the so-called local areas is the way to solve the problems of the poor. I repeat what I said in the beginning. National policies engendered change in the society. It is national policies that have done the things that have been most important to bringing about change in the economic and social status of black people in the country.

We need to take a hard look at this whole question of full employment. I'm alarmed and concerned by the fact that our national policies are creeping toward acceptance and tolerance of higher levels of unemployment in the name of full employment. When the Employment Act of 1947 was passed, it was considered good judgment that we could tolerate a maximum of three percent unemployment of the resources in the society. Today we apparently accept four percent. Now they're talking about 4½ percent and they talk about this in terms of the trade-off with combatting inflation. I think it is time for us to take another look at the Freedom Budget.

We need to look at the full employment concept because it is through

full employment that we can attack the social ills, we can attack the slums, we can utilize the resources. It is through full employment that we can employ the non-employed.

I'm an advocate that the most important thing that we could have upon us today is a system of guaranteed jobs. Most of the studies from Brookings and other places have pointed up the fact that people do want to work, that people are work-oriented, and I think that in terms of our advocacy again that we need to be pushing very hard for some kind of a system to insure that people who want work will have an opportunity for work, and I push for this as the opposite of a broad-based, all-inclusive, guaranteed income program.

When Lockheed and Penn Central and the moon space people and all these other hustlers can get what they want, it seems to me that we ought to be able to get a system of guaranteed jobs for those who need them. At the same time I'm aware of the fact that there should be guaranteed income for the sick, the blind, the lame, and the disabled and the like.

Bob mentioned the CDC. I'm not impressed with the CDCs in terms of their shifting of capital and the socialization of capital. I'm impressed with them in terms of some action by minority people to be involved in managing affairs and learning how to negotiate the system. And I think this is what we play down when we talk about these kind of entrepreneur functions. I don't think we're going to get too much in terms of any entrepreneurial experiences that are going to correct the problems that are upon us today in unemployment, under-employment and the like.

But I do think it's awfully important for the people who have been on the lower end of the totem pole to develop a managerial class, to have a class that is schooled in the business field, that can sit around the tables and the school boards and the hospital boards and know something about the language of the system. And I think it is the CDCs and the other kinds of entrepreneurial experiences that will give us this kind of an opportunity.

In sum, then, what I am concerned about primarily is that we begin to pay more attention to those who are in the labor force who are working every day, who want to improve upon their lives, the working poor. I'm concerned that we look at the non-participants, that we begin to address ourselves to questions as to how we can get people who are discouraged and leaving the labor force to become active participants.

Discussion

MR. MCGANNON: As we are concluding, I ask you to look at the list of issues that Vernon sent out. I'd like to move from the current position of being well informed, hopefully into answering some of these questions. I'm looking at a list here that talks in terms of the welfare system and the solutions to the welfare system, its alternatives and the costs involved. Dr. Brimmer, would you care to tackle that one?

DR. BRIMMER: I think we really ought to be careful what we're talking about. We are really talking about the program of Aid to Families with Dependent Children. The rest of the welfare system is one in which blacks participate hardly at all—that's old age assistance, providing aid to the blind, and so on. What we really are looking for is some variation of an income maintenance plan.

Despite the alternatives described by some economists (and there's been a great deal of work done on this in the last decade), only one plan got to a Congressional vote, and that was the Family Assistance Plan. Now we know that in that version, it is dead, but the issue is still there. Some version of a "family assistance" "income maintenance" plan will have to come forward. You notice how I put it: not *should*, but *will* have to come forward. So I don't think we should conclude that because of the political necessities, as it were, it was abandoned. It will come back. Just as I said the first of March 1970, and repeated in June 1971, I'll repeat today. The Family Assistance Plan, or the next version of it, is the best hope for rescuing poor people, not just black poor people but all poor people, that this country is going to see in a long time.

There's no mystery as to what to do. We could spend a good bit of time working out the details, but that's not the issue. The issue is that we have to find a device to transfer tax money at the Federal level to the poor people. But frankly the Urban League, insofar as I can remember, and you may want to correct me on this, along with virtually everybody else, missed the boat. There was a time in the negotiations in the Congress when this deal could have been pulled off with the starting level of $2,400 or $2,600. There were other attachments to it which were unpleasant. But frankly, I was willing to buy those on the assumption that once you get your foot in the door, you can go in and build on it.

Now, I have no alternative. I haven't thought of any other. But let me repeat, whatever you do, whatever version you come up with, basically it's going to mean giving some income to poor people, some of whom will be working. And I'll stop there. My colleagues may want to build on it or take issue with it.

DR. HENDERSON: I don't have any problems with that, but let me say one

thing. In all of the discussions this morning, only once or twice did we just slightly mention the whole problem of racial discrimination. It wasn't because we aren't aware of it. We know it exists, and I don't think we can abandon that concern. So I don't want you to think that any of us feel that the problem has been conquered. Racial discrimination in employment and a lot of other places is there, but there is no point in us sitting up here hollering racism. That's not going to solve anything.

I think that some kind of [family] assistance program will be forthcoming. I think we will get it. I think what bothers me, though, Andrew, is that it's a little too one-sided. I guess I'm hung up on this whole question. My daddy worked all his life like a slave, every day, and he was poor as hell when he died. He lived in poverty. I can't understand why it is that so many people who work, still remain poor. I (really) know why—they don't make any money!

I would argue, and I guess this is part of your suggestion when you mentioned the working poor, that it's important to have a system of child care for working mothers who might earn $10,000 or $15,000 a year. I think this is also important, just as is some kind of maintenance program for the mother who doesn't work, who wants to stay home and take care of the children. We (black people) get most of our money from jobs, and from transfer payments of various kinds. It's a combination of those two that we have to work on. I think we're really saying the same thing, but I sort of think we neglect the working group too much.

MR. MCGANNON: I'd like to stick with the panel just for a few minutes. Bob, you talked about the transfer of foundation capital to individual communities. Has there been any history on this? Has it been successful? How do you go about doing it? It obviously represents a huge national asset from the viewpoint of available capital, but I'm curious as to whether it's a "doable" thing and how fast it can be done.

DR. BROWNE: No, I'm not aware of any history on it at all. When I said transference of foundation capital, just in case I spoke so quickly that I did not make myself clear, I was not speaking, of course, of grants. I was speaking of the foundations transferring capital to a new organization, or a number of new organizations.

It comes to me that there are going to be many cases where foundations have created other foundations for specific purposes, so if that's what you mean by history, there may be plenty. If you mean for blacks, I wasn't aware of any other than the 21st Century Foundation, but Andy says that he knows of one.

DR. BRIMMER: At least one, and I mention it because it focuses on precisely the kind of thing you've been talking about. A few years ago, several foundations came together to endow what was called, I believe, the Cooperative Assistance Fund run by Ed Sylvester. In Washington that fund is concerned with the development of management talent in the construction industry. Several foundations pooled their funds, turned it over to a group with its own Board of Trustees.

DR. BROWNE: Was there another part to the question?

MR. MCGANNON: No, I think there was an extension of it into the area of the pension fund. I was wondering if there was any union experience in this connection?

DR. BROWNE: A few unions, and perhaps a few pension funds also, have attempted to use a portion of their portfolio for social-type investments. I suppose that's really what I'm talking about doing on a much larger scale. In some cases they're doing social type investments and blacks have benefitted from it, even though in most cases it was not designed particularly for blacks. Some of the low-cost housing that we have around the country has been funded by union monies and so forth.

But it's been on a haphazard basis, and while it hasn't really been researched, I suspect that it has touched only a fraction of the funds that are available in these funds, and that were contributed to by blacks. I would almost hazard a guess, and, Andy, you may have some figures on this, that if one would try to identify the largest single source of black savings in the economy, I would suspect that it may very well be in mandated pension funds.

DR. HENDERSON: Let me just mention this one, though it's not exactly on a foundation principle, it also shows what can happen when funds are transferred to blacks, and the kind of impact they can have. That's the Voter Education Project. The whole point was that the funds were put in a kind of foundation scheme and then VEP made grants to various communities to carry out voter education programs. It was a grant-making agency. And the interesting part was the results. Here's a place where there's no question about the measurement of benefits. It just had a tremendous impact in the South. So the principle is there.

Last week I attended a very famous trustee board meeting for four days and for four days we went through all the gyrations of whether the foundation should transfer some of its capital, or "reduce its corpus," let me put it that way. I don't have to tell you where we came out. Some of the other foundations may have different views, but I don't see any real possibilities of any significant transfers.

DR. BROWNE: Could I just add one thing? What I was suggesting—and it may be a little different from the cooperative assistance fund also—is that in transferring the funds to a black controlled foundation, I was looking only in part at the grant-making capability which would then be in black hands. To me that's almost the smallest part of the advantage. The real advantage I was focusing on, is that you would then have a large portfolio investment potential for putting into black entrepreneurial efforts, so that the grant-making part is almost the tail on the dog rather than the major part of it.

MR. MCGANNON: Vivian, why did you come up with the negative conclusion that the likelihood of transfer of major funds from foundations generally speaking (not yours specifically) was unlikely?

DR. HENDERSON: People don't transfer capital easily. It's just plain and simple. He who has, gets—and he doesn't give it up easily. He may give

you a little help from the results of his capital occasionally. But the control of capital is essential to the nature of this society, and I have found substantial evidence that people aren't going to give up capital easily, black or white.

Q.: Capital or power?

DR. HENDERSON: Both, they go together. I just don't find any evidence in our history of anything of that sort, but maybe it'll change. I know of a situation, for example, where one foundation decided—only because of the Tax Reform Act and some of its provisions—that it would go out of business. It transferred its capital to what is called the Methodist Foundation for Higher Education: some three million dollars. Now, here again, that may happen with some small cases. I don't discount it as a possibility, but I question the probability.

MR. MCGANNON: You have a question?

DR. BRIMMER: Well, it really isn't a question. I wonder if you would at some point reserve a little time so you can give me a chance to preach to the Urban League?

DR. HENDERSON: I thought you did that!

DR. BRIMMER: I had one or two specific things I wanted to say to the League as an organization at some point.

M. MCGANNON: Why don't we do it now?

DR. BRIMMER: I just want to say something, under the umbrella of this part of the program today, about the League and its organization and the talent which the League gets.

We've been talking about the area of jobs, income security and so on, and here I'd like to think that most League people consider me friendly. Hopefully, what I say will be taken on the basis of someone who wrote his first professional paper with Urban League assistance way back in 1950, when the Seattle Urban League helped me do a study of black employment. There were people in the League who were right up to date. You had the best people because of the reverse effects of discrimination. You could compete for the kinds of talent, the kinds of skills which put you far ahead. I get the impression as I look around the country these days, that the people you have are very good, but you don't have enough of them. And frankly, you need analytical talent for the kinds of monitoring you're going to have to do to keep track of what's happening in these local governments, State governments, regional governments with revenue sharing, and so on.

Unless you are careful, you're simply going to get robbed. And you need more talent. You need more economists, and so on. And that means you're going to need money for internal strengthening—not just money to spend on helping people, though you're going to need that too. You have to have, right there on the firing line, larger, better-equipped cadres. You're going to have to strengthen your research organization, you're going to need a more sophisticated intelligence system.

DR. HENDERSON: Could I come in on that, Andrew? I think there's another aspect to that that's been very disturbing to me, and it goes beyond the Urban League really. I mentioned in my little presentation that one of the things that interests me is the number of intellectuals and liberals, so-called, who are now attacking the very things that we thought had significant impact upon change. The interesting thing is that most of them are white. What is disturbing me, Andrew, is what looks like a diminution and decline in the number of black intellectuals and research people who are willing to address themselves to the hard issues that you are mentioning right now. Not only in the Urban League, but in the NAACP. This has bothered me considerably, because what happens is that the black man who might have a little something that he could do, gets out on the soap box and gets wrapped up in rhetoric and he ends up producing not a damn thing that can be used.

I think that there's a very, very serious question of problems that we have in the black community: the development of the talent, the channeling of that talent, and getting it into position where it will address itself on a substantial basis. I think that the foundations are somewhat at fault, in that they haven't been putting in the dough to help these guys. But also, for example, I look at the number of economists who are supposedly black economists. I'm saying that I look at these people and, you know, really when you come down to it, the trash that they put out is absolutely trash. What I'm worried about is that some of these guys have talent but it's being dissipated.

I look back at the oldtimers. I think about the fellows who depended upon the Urban League as the place within which they could channel their intellectual activity to get certain things out and before the public. I talked just the other day about the United Negro College Fund. We talked about this whole black college bit. The fact is all the white folks write about black colleges. There are no black folks writing about them. I just wanted to add to what you said, I think it's a very, very serious question and one we're not paying enough attention to.

MR. MCGANNON: I'd like to open the questions now from the floor. Yes, would you identify yourself.

Q.: I'm Ron Davenport, Trustee of the National Urban League. Dr. Brimmer suggested that the Urban League missed the ball because we failed to support the establishment of the principle of family assistance. I would concur with that judgment. It was a bad plan, but that is irrelevant. It was a good principle, and that is important. In other words, I think that since we have the advantage of your skills here, we ought to ask ourselves what kinds of things we should be doing as a League, what kinds of realistic things we should be talking about? There are really two kinds of problems: one is capital accumulation and the other is broad-based governmental policy that's going to have an impact on blacks as a group.

I was extremely impressed with the quality of all of your presentations. I hope that we can spend less time, in the time that we have the benefit of your presence, in talking about what we have failed to do, the inadequate education the people are failing to give our kids—and talk

more about how we can provide a better education, how we can put them on the track to where decision-making actually takes place.

Q.: I'm Cernoria Johnson, Director, Department of Government Affairs. The leadership in this whole welfare fight has largely been black leadership. You don't see whites, though they are in larger numbers in the population, leading this fight. That suggests something to me. If whites are the larger part of the population, is there value in trying to develop alliances? What do we do from here on in terms of winning friends to push for those things that we must have?

DR. HENDERSON: I think there's one way: a catch-all that we fall back on a lot of times. I mentioned it in my little presentation. One area around which you could probably rally allies as quickly as anything, is some kind of a full employment concept. It's a catch-all, it's an old bag, but I think you could get allies from that point of view. It's just one. On the question of income maintenance, minimum income, guaranteed income maintenance, something of that nature, I think you can get also some allies here. When it comes down to a question of minimum wage, I think Andrew pointed out, for example, that here you'd get all sorts of divergences. The trade union movement, as I think he mentioned in his paper, would be the first to oppose it. So you're not going to get any coalition here of any significance, except to push it (the minimum wage) up.

I happen to be one who doesn't quite go along with Andy in terms of that differential, even though we employ in our university center something like 3,500 youths and we have to pay the minimum wage and we don't have the money.

In the last four or five years, there has been a fragmentation of the coalitions that we once had. I think all of us recognize that. I'm assuming that, if anything of consequence is distilled from these proceedings, the League will come up with an agenda which the trustees of the Urban League, or somebody, will wrestle with and say, "Look, here's our laundry list. Here's an agenda." And they're going to try to do what you just said: see what kind of support they can rally to push for these things.

DR BRIMMER: May I just say one quick thing on that. I think the very way that Cernoria put the question carries with it the difficulties. Another word for allies is alliances, permanent groupings moving forward. I don't think we ought to expect to see that again. I prefer the concept of coalitions which come together and regroup, depending on the target you wish to achieve. Now that's much more untidy, it requires much more effort to tack and trim than to sail on against the wind. And so I would say that trying to identify some of the groupings who will march with us isn't exactly a waste of time, but would likely be less productive than some other approaches.

This is unsatisfactory, but, for example, I don't see the trade unions *as a group* standing with the civil rights group *as a group* any more. I don't think you ought to count on the ethnic groups as firmly as was the case some years ago. Now I can go on talking about the manifestations of this.

It's all around us. But at the same time, there are possibilities and there will be possibilities for temporary, even intermediate term groupings. But don't look for the same people standing with you.

MR. MCGANNON: Andy, I don't disagree with your idea. I'm curious, though, whether you can describe the reason for this "fall-out" of what be regarded as traditional allies. You just talked about ethnic groups, a little while ago you talked about liberals. You also talked about trade unions. These have more in common with us than most other segments of our society. Why the fallout? How can the allies be recreated? Is this the product of the public mandate of a few months ago? Or is this a product of a general attitude within our society? Is this a product of the outgrowth of the Administration's attitude toward the whole problem? What is it?

DR. BRIMMER: I'm going to resist the temptation to enter this exercise. I think we know enough about why the old allies, the old alliances, fell apart, so we can take it as an assumption and move on. Unless the group really wants me, an economist, to speculate about what is in fact a substantially broad area, including politics and sociology. I could talk on it, but I'm afraid you'll learn less from me than you will by putting those same questions to the people who come later in this symposium.

Q.: My name is Clarence Coleman. I'm Director of the Southern Regional Office of the National Urban League. We're all in agreement with the statement made that wealth is power, and recognize that our constituency is not known to be a wealthy constituency. But the figures we're given for buying power, something like $51 billion a year, is a significant figure.

Would it be a good or bad idea for the Urban League to analyze such data and perhaps develop a national thrust in an effort to help consumers understand that, through organizing and understanding the power of that $51 billion, we could launch a thrust that might measurably improve the economic and employment status of some blacks in this country.

MR. MCGANNON: Who would like to take that?

DR. BROWNE: Well, time's so short I don't really feel that I have something very profound to respond. In general I would think it would be a good thing. But it's always hard to answer a question like that in a vacuum. I have to know the whole range of things that you might do, and how many resources you have to do it, and whether doing it would cause you to eliminate other things.

DR. HENDERSON: I can answer it very quickly, Clarence. Times have changed, but we've demonstrated in some part of the '60s how effective the aggregate buying power of black people could be in bringing about social change through a little economic withdrawal. (We didn't have quite enough guts to say "boycott" then.) I think even today there are many places in society, insofar as these little specifics are concerned, that you can bring to bear in an organized and systematic fashion the purchasing power of the dollar, on private enterprise, to get things done.

Not only bacon and eggs, but I can take you to Atlanta where the brothers buy Lincolns and Cadillacs and all that stuff, and you go into

the car dealers and you won't find a black mechanic anywhere in the place. You talk about skilled jobs, but the point I'm making is there's no question about the potential for this. Massive kinds of economic withdrawals, I don't think will work anymore. But selective kinds of economic pressures can be a very potent factor in terms of bringing about change. I don't think there's any argument on that.

Q: I'm Chet Berger of New York, and a National Urban League trustee. Dr. Brimmer, you talked about two different focal points. One was the problem of the poor, the working poor, the teenager, and so on who are marginal in employment, and the other was that the real growth in jobs is coming at the very highly skilled level, more and more highly skilled all the time.

But we've had relatively little emphasis in recent years on the problem of where the job openings are and the skills that are required, and I'm wondering if you would give us your thoughts on our program priorities. What are the relative important ones, what should we be doing, what could we be doing in the areas where the jobs are, or should we be concentrating on those (people) who are being forced out by the changing technology?

DR. BRIMMER: We did talk a little during the break about this, and I gave a little thought to it, and let me say quickly that I have no proposal to make suggesting that the League itself open training schools. I doubt very much, that the League itself can be a training ground. As I indicated earlier, I think the League must devote itself increasingly to the identification and channeling of people coming into the job market.

And by the way, the two are not as diverse and as divergent as they seem. Teenagers and others coming along with little skill can be trained to acquire the skills which will be needed along the way. The jobs are disappearing, but there's no reason to assume that people in the past who had those jobs will disappear. They won't. They're going to still be there, so this will put much more emphasis on retraining, regrouping down the road. You do this in a variety of ways. Some of it, you do by inducing others to do it for you.

And let me say here very quickly, and again you gave me the chance to say this, something is happening in the State employment services about which you'd better beware. The Johnson Administration transformed the U.S. Employment Service into an instrument to help solve the employment problems of the left-out groups. The manpower programs were designed to underwrite and underpin that. The typical local employment office was a job service office for poor folks, people without skills, helping to train them. A conscious decision was made a few months ago to reverse that, to turn them back into an employment bureau for people with existing skills, a shop and office to which employers can go increasingly as they used to, to find people who already have the skills. Now the League ought to get in the midst of this transformation and make certain that the U.S. Employment Offices, the locals, are not allowed to abandon the groups we've been talking about.

In the end I think I would definitely have to agree with you that the

League has to revamp itself in order to deal more effectively with the demands for skills that are coming. I don't know how to do it. I wish I did have a catalog that I could fill out and pass over to the League and say you do all of these things and you have a good life. I just can't do it.

Q.: My name is John Johnson. I'm Executive Director of the Urban League of Westchester County. Sometime ago the *New York Times* indicated that black banks were not functioning as well as they should, and it caused quite a concern in the whole black business community. Dr. Brimmer, could you elaborate briefly on the role of the black banks and the aggregation of capital? Dr. Henderson, can you give us some practical guidelines as to how we can get guaranteed employment? Dr. Browne you did not respond to Dr. Henderson's riposte in terms of CDCs. I wonder if you could respond to him on that?

DR. HENDERSON: I have a view about this whole entrepreneur thing that runs counter to many views that some of my friends have, and I'll just take advantage of this to comment on it. I'm not going to fall into the trap of talking about black capitalism, but the point is that in this whole entrepreneur thing I think is it important for blacks to be involved in management and entrepreneurial schemes. I think it's good. I think we ought to understand why it's good.

We aren't going to solve the problems of the poor people with a few blacks owning a few banks and a few little businesses They aren't going to solve the problems of the poor people. Secondly, the people who own the banks and amassed a little bit of capital, they're going to be just like white capitalists. They're going to make their profits and go to Europe and have a vacation and come back and live happily ever after. I haven't found any evidence of blacks acting substantially different when they own capital and manage banks and insurance companies and savings and loan companies. They do not act substantially different from anyone else. They've got to make a profit. There's nothing wrong with that. I'm for it, but there's no point going around hollering all this stuff that we're going to save the blacks from economic damnation with a few enterprises. I just wanted to get that in. In think that the more we can improve our banks is good, that's fine.

But on the guaranteed income thing, there's no place that this can come from except through Federal subsidy. So don't let me mislead you. However, I think that the use of the Federal subsidy for private jobs is good. It's not just the public service type of job. I think that's important also, particularly when you get ready to attack some of the social ills. We have not really tried to do in the slums of our cities, through public service contracts of employment, what we did to go to the moon. There we took tax dollars and subsidized business and employment and guaranteed jobs.

Now, unfortunately, when the guarantee ran out, some people lost some jobs on the West Coast and other places. Right now with the dismantling of OEO and HUD, a whole lot of black professionals are also losing some jobs. So I don't think there's any place for guaranteed employment to come except through the Federal treasury and I find nothing wrong

with this. I don't talk about it in terms of any "last resort" employment. I don't believe even that either. I do believe in *first* resort employment. I think it ought to be a part of a normal stream of employment opportunities in our society. There's just too many social ills to be attacked. It has to be attacked through a national policy that could create and generate jobs for a long time to come. That's all I was talking about.

DR. BROWNE: Well, first of all I didn't reply to the riposte because by personality I'm not a riposte-replier to! And also because I wanted to maximize the amount of time that the audience had to speak, rather than continuing to speak. And finally, I didn't really feel what Vivian said about CDCs was at all in contradiction or anything to what I was saying. He seemed to be pointing out, as I recall, that the managerial entrepreneurial skills gained from the CDCs was perhaps the most important facet of it. As I understood what he was saying, I wouldn't quarrel with it at all. I'm a little more concerned with his final statement here that seems to be dismissing the whole idea of ghetto development as useless or something like that.

DR. HENDERSON: Oh, I didn't want to go as far as useless. I think it's important. Economically, I don't believe that the sick can cure themselves, and the ghettos are sick. All I'm saying is that I think an awful lot of outside capital has to be brought into the community if you're going to do anything with it. And an awful lot has to be done through national policy. But I'm skeptical of the people who go around saying that through some kind of capital formation scheme in the black community where we don't formulate any capital, we're going to develop our own ghettos according to our own liking and sort of isolate ourselves. I have problems with people who advance that kind of an argument. But I certainly think that the ghettos ought to be developed. I just don't think you can develop them with blacks doing it by themselves.

DR. BROWNE: Vivian and I rarely disagree in private, so you don't expect us to disagree in public. But if that's all you're saying, we don't have any disagreement. I'm a supporter of what is called ghetto development, for lack of a better term, but it should not be viewed as any sort of panacea, I think it's one part of a puzzle. The ghetto happens to be where a significant portion of black people are today, and I think, therefore, a certain amount of our effort has to be devoted to that.

DR. HENDERSON: I think it's absurd for people to go around talking about we're going to absorb the unemployed in the poverty pockets of the ghettos. You're going to have to find him a job the way everybody else finds it—at the wages and earnings that everybody else gets—if we're going to do anything about correcting the problem of the poor.

DR. BROWNE: Coming back to my sort of dismissal of the question from Mr. Coleman (which in a way had a ghetto development aspect . . .), I wasn't disagreeing with you. I backed off on it because it seemed to be asking whether this was the way the League should spend some of its resources? I feel awkward answering what is essentially a planning ques-

tion, without having the whole range of things before me. With limited resources, everything is done at the expense of something else that's given up. That's why it's a difficult question to deal with.

Q.: I'm Jeanne Spurlock, a member of the National Urban League's Board of Trustees, from Nashville. The question I wanted to formulate, I think, has already been discussed in the last couple of minutes. The question stems from my own professional frame of reference, which is psychiatry. My question is, do we have to be concerned about what's going to happen to others in our total environment as there is some economic improvement of the poor. I suppose I'm asking for some reassurance that those who are in the power-making positions will permit those of us who are powerless to become a little more powerful.

MR. MCGANNON: Who'd like to answer that?

DR. BRIMMER: I know very little about brokerage of power and that's what we're really talking about, how to broker, how to share the transmission of power from one group who has it, to another. And I don't think we need to be Marxist or anything else to observe that most groups that possess power do not yield it easily. That's the nature of power. You might negotiate the conditions under which it might be used, but I know of virtually no-one who has been able to negotiate transfers of power. You have transfer of the office from one President to another and so on, but we are not really transferring real power from those who have it to those who don't have it. The CAP, the Community Action Program, or the War on Poverty, whatever it's called, I think demonstrates the difficulties of negotiated or legislated transfers of power in local communities. And that's what CAP was all about. It got people who were outside, inside. And the insiders did everything they could and succeeded in dissipating it, that's why it's gone.

MR. MCGANNON: Ladies and gentlemen, I'm sorry to say that we must stop at this point. We've gone almost 25 minutes over our time and I hope that you'll get a chance to talk with members of the panel during lunch or afterwards.

SESSION II

PERSONAL SECURITY, LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

Discussants:

LESLIE W. DUNBAR
Executive Director
Field Foundation

CHARLES MORGAN, JR.
Director
Washington National Office
American Civil Liberties Union

LEROY D. CLARK
Professor of Law
School of Law
New York University

Moderator:

RONALD R. DAVENPORT
NUL Trustee
Dean
School of Law
Duquesne University

A VITAL AND PRECARIOUS MATTER

by Leslie W. Dunbar

Meeting in the Louis XVI room is reminder enough that personal security has always been a vital and precarious matter, sufficiently dear to all men that even a non-lawyer may be entitled to an opinion about it. My chief apology to you in substituting for Morris Abram is that you are being deprived of his point of view and, of course, the strong intelligence by which he advances it. I have read a lecture on this subject he gave earlier this week, and which he told me would supply to you today.

The core of it was the thesis that this or any society requires a well-functioning system of criminal justice; that the system has or ought to have an integrity of its own; that though we must do all we can to make the social and economic conditions of our society ever more just, at the moment or at the point a person comes into the lawful jurisdiction of the criminal justice system, the economic and social causes of his or her conduct become irrelevant.

My primary difficulty with this is not that, abstractly considered, it is wrong, for in truth I am not sure it is more wrong than any other view. My trouble with it and other formulations of the similar view is that I doubt that the choice it implies is a real one. For if our determination is to make the criminal justice system one that gives security (and a confident *feeling* of security) to the people and that protects the liberties of all persons who come within its embrace, then I think we won't achieve that except by seeing it as indeed a *system*, a structure of interrelated parts that must be adaptable to the people it serves. To the contrary, we are now trying to adapt people to the system, and that is not working, and, anywhere short of tyranny, will not work.

The so-called crisis in law enforcement developed out of the maelstrom from the 1960s and from the confluence of the civil rights ferment, the widespread acceptance of quite different standards and practices regarding sex and drugs, the popular revulsion against and disillusionment with the barbarity of our war-making in Southeast Asia, and the seemingly habitual lying of our political chieftains.

The *sine qua non* of any criminal justice system—trust and respect—decayed under these influences, and the decay was and is speeded up by every revelation of corruption within the system. And then, when by the end of the 1960s it was clear to all that the overwhelming majority of people running afoul of the criminal justice system were non-white, and that the even more overwhelming majority of the people who were in charge of the system—from cops on the beat to parole board members—

were and are white, the destruction of confidence was too far gone to be reinstated now by teaching and precept.

In some considerable measure, any criminal justice system—good or bad—is composed of the keeper and the kept, the guardians and those guarded against. But the character and the quality of a system depend far more on *who* each side is, and how each side perceives the other, and what is the nature of their relationship, than it does on what precepts, rules, and processes may guide the system.

We are all frightened today, especially those of us who live in or near big cities. Even we lucky enough to have ourselves escaped so far assault or robbery probably have within our families or circle of friends those who can tell true and vivid tales of hurt and despair. I live in one of the Westchester towns, and just two days ago three houses within about a city-block of my own were broken into and ransacked, and in mid-afternoon. An elderly and obviously quite feeble friend has twice within the past year been knocked down in daytime near her apartment house in the Inwood Park section of Manhattan, and her purse snatched.

So it goes. All can add their own reports. Let no one minimize them, or their serious import. Liberals especially, whose very faith depends on free and unafraid men, should not. But let no one forget or overlook that crime in the streets, and the gripping fear that accompanies it, has been a way of life in the slums of America for generations. We are, much more than ever before, one country, and the problems once contained in the slums are spilling over us all.

Which is not to say that we shouldn't do something about those problems, if we know how and to the extent we know how. We do need to warn ourselves, however, that there is an old American faith which has almost certainly become groundless. It is the faith that every problem has a pragmatic solution which "problem solvers" can find and apply. Some problems can be solved, I suppose, even very big ones. Our criminal justice system is, after all, but one of many big systems which seems to be breaking down: our rail system, our post office, our hospitals, and others. "Problem solving" ought to work with them. But not all problems can be solved by plan, and conservatives—true conservatives, that is—have always known that, and so have not been quick to invent solutions. I don't think this critical problem, of crime in the streets and resultant personal insecurity, is amenable to solutions, especially not to those that merely seek to do more, or do more efficiently, what we're already doing.

Other Dangers

I think, therefore, that the Ford Foundation's $30 million program of "experiments in police improvement" will be largely a waste of money that is much needed elsewhere. More to the point, I think that the billions being spent by the Law Enforcement Assistance Administration may not be a waste in the usual sense, but may lay the technological base and erect the command structure for a future police state. As we have become the arms merchant of the world, spreading now some $10 billion a year in military assistance among countries around the globe, so LEAA, aided of course by willing State and local legislatures, is spreading arms and com-

puters and vehicles and what have you for use by the authorities against those regarded as domestic enemies.

During the campus riots of the mid-sixties, most university administrations were too harried to provide against their future control, except by adding on a few more campus police and by acquiring the bad and fearsome habit of calling in the civil police. But by and large, when the wave of campus rioting subsided, the universities were left free once again to seek their own levels and to become what they will.

This wave of crime in the streets will subside. It will, and perhaps has already begun to do so. It is crucially important that when it does we not be left armed to the teeth against each other, habituated to the invasion of privacy, accustomed to the use of informers and provocateurs, obsessed with the gadgetry of a technological age, and contemptuous of the liberties of the suspect.

We are an impatient people, and I am not trying to say that we should be tolerant of crime or patient with criminals. I am saying that there are worse things than crime in the streets, and that a police state is one of them.

I sit at a foundation desk, and daily see the flow of proposals that come in. Even as recently as three years ago a proposal having anything to do with prisons was a rarity. Now prison proposals come continuously. Three years ago we would have at any one time a few proposals regarding other aspects of the administration of justice; now we have many. I don't clearly know why, but liberals submit far more proposals to foundations than do conservatives. So these proposals tend to be the ideas and plans of liberals. Being one myself, I can acknowledge that in some areas—and penology is the best example—the thinking of liberals has come almost full circle within a very short time.

Only a few years ago, the almost universally accepted liberal position was in favor of judicial discretion in fixing sentences (this was known as fitting the sentence to the criminal, not to the crime); was in favor of indeterminate sentences; emphasized the rehabilitative role of prisons; and urged the enlarged use of parole. What passes for liberal thought today tends to repudiate *every one of those positions.*

Given this humbling awareness of reversal of opinion, I think that any honest person, addressing an audience, will warn that audience that if he ever indicates certitude of opinion regarding the way to make better the criminal justice system, he should be ignored. For there are no certainties. The sciences of criminology and penology are valuable, but to an observer they seem essentially negative sciences: they tell us what has not worked and what will not work. In stemming the quantity of crime, nothing seems to make much difference. Attica was hailed as a model prison when built in the late '20s; no state today would build an Attica. That particular hell which is California's Soledad embodied all the good ideas of the time when it was built, and it is not very old. The Robert F. Kennedy Youth Center in Morgantown, W. Va., was hailed as a model when opened in early 1969; I doubt that the Federal Government would build or plan another quite like it today.

A year or so ago, one of the most experienced penologists we have, a man associated with virtually every development of the past half century,

said to me that up to the mid-sixties there were penal experts and they could give useful advice. They could say do A, B, or C, and if those things were done results would occur. But, he said, not today; none of us know what is to be done. And the clear reason for that is that the prison population has changed so greatly; it is younger, it is serving longer average terms, and it is characteristically black or Spanish.

Nothing works. This humbling fact does not, of course, discourage some, such as Governor Rockefeller, from surveying the failure of one massive drug treatment program and then leaping into another big plan. But it should humble those others of us, less accustomed to having our way.

Poor Not Beneficiaries

Our criminal justice system is in disarray. Most crimes do not lead to arrest, most arrests do not lead to trials, most trials *do* lead to convictions, most prisons are hurtful both to the prisoners and to the society that has to deal with them on release. How much have we really benefited from all the work of the last decade or so? The Warren Court's famed libertarian decisions have not as yet, for example, had huge practical value for anyone, except for our sense of justice. The law is a whole procession of things: policemen patrolling, confrontation, arrest, arraignment, detention, bail perhaps, indictment, plea bargaining, trial, conviction, sentence, imprisonment, parole perhaps, release, or death. In the last decade or so, enormous legal energies went into enlarging and defending the civil liberties of poor persons in the toils of the law. Case after case was brought and won, in what commentators sometimes refer to as a Constitutional revolution. Yet I believe it is arguable that those victories mean a lot more to others than to the poor themselves, who still find the law their master and not less fearsome than before, if possibly a bit less hasty.

I think part of the explanation of that is that we have relied far too much on litigation as an instrument for social reform, and it really proves to be not a very good one. But another part of the explanation seems to me that most of the civil liberties cases were brought in that middle segment of the process which is of most interest to lawyers and of less interest to the poor defendant: the segment which begins with formal arrest and ends with conviction. The civil liberties of the poor man have little or no Constitutional protection against the massive technology of a modern police force, the harshness or caprice of a sentencing judge, and sodden men who run prisons. If lawyers now want to extend civil liberties another notch to include prisons, that is good *only* if George Bernard Shaw was wrong and prisons can be reformed; if they can't be, then it would be a further burden put on the lives of the poor to construct more hollow liberties for them.

An influential organization, advocating that legal services be provided within jails and prisons, sees such institutionalized services "as a way of inspiring in prisoners a feeling of hope and a sense of possibilities that may lead to better results in other parts of the rehabilitation effort. Perhaps, if the process of law and justice can be shown to operate even in jails and prisons, people will begin to believe that they can never be

placed outside the protection of law." This is a statement that might be charitably described as willfully innocent. It assumes both that the "process of law and justice" has operated *outside* the prison, and that prisoners believe it has.

I don't think there is much chance of law and order being established well and soon in this country until those who administer law recognize that minority groups do not have and *have not had* in all American history reason to regard the law as other than, on the whole an enemy.

One may look at the system at any point he wishes, and he will see the same thing: white people ruling on, disposing of, keeping custody of, a predominantly non-white population of subjects. That is true both in the adult and in the juvenile system. And he will see the system working with harsh disregard for people. Here, for one example, is David Rothman's succinct description of New York's parole system:

> Another fiction of our criminal justice system is that judges determine how long a man shall be imprisoned. In fact, the parole board decides. New York judges fix only the maximum term for felons (say, twenty years); the board sets the actual time of release (say, three years). And the parole board bows to no one in its idiosyncracies. In 1971, among this group of members, no member was less than 49 years old; two were black, one was Puerto Rican. They met in teams of three at the State prisons to decide cases, devoting on the average six minutes to each. In that time they "read" a 150-page folder, question the inmate, discuss the case among themselves, and reach a decision. For the inmate, the parole hearing consists of walking into a room seeing two commissioners reading folders (those of the men next in line), answering questions from the third for two or three minutes, mostly about the nature of the original crime, and then leaving. He learns the decision next day, after the board has left the institution; and the verdict comes without explanation. To prisoners, and to most other observers as well, parole procedures and results seem at best capricious, at worst corrupt.*

I have no remedies to propose, except that we try to put good persons in positions of power; that we give them the resources to do their jobs; that we expect nothing good to come cheap; that we root out corruption; and that above all we make the criminal justice system accurately reflect the ethnic composition of the population. In something I wrote seven or eight years ago, I said that I could not see why any significant number of white police should be assigned to Harlem; I still cannot. The police, and indeed the whole criminal justice system, from judges down, reaches a person at a level of personality which is not coldly rational, at a level where other people are judging and evaluating him. There is both morality and common sense in insisting that those "other people" should be ones *perceived* as peers.

*The Nation, March 19, 1973.

We need also to stop punishing people for acts which they and their peers do not regard as criminal, such as gambling and drug use and private sexual practices. When the law stops taking itself so seriously, people may start giving it more serious respect.

This will happen also when the law becomes more clearly the possession of people. In all truth, I believe that access to his own lawyer when he gets into trouble can mean more to the poor and disadvantaged man than the winning of some Constitutional test case in the Supreme Court.

So I can think of no work that the National Urban League could do now that is more worth doing than to fight for the preservation and expansion of the neighborhood law offices of the O.E.O. It is an aspect of the malicious spirit of our times, that the same officials offering force as a surrogate for law and order, will diminish the one best step we have in recent years taken, that of providing the poor with greater accessibility to the law, and its always latent civilizing and gentling sway.

TALKING SENSE ABOUT CRIME

by Charles Morgan, Jr.[1]

The American people expressed the purpose of their Union in the Preamble of the Constitution. They sought to "establish Justice, insure domestic Tranquility, provide for the common Defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity. . . ."

Those of us who have helped make that Constitution work have neither the slightest desire nor the slightest intention of abandoning it in a search for personal security. But the fear of crime is a deeply personal fear which governs the lives of far too many of our people. Their response to that fear equally threatens the personal liberty of the fearful and the brave.

The Founders knew there were thieves and murderers who would go unwhipped of justice. They accepted some crime as a fact of freedom preferring it to a society absolutely ordered by the peoples' traditional and primary enemy—their governments. Thus they wrote the Bill of Rights fully recognizing its protections for criminals and with the certain knowledge it would make their detection, apprehension and conviction more difficult.

1. The views expressed herein are those of the author and not necessarily those of the American Civil Liberties Union which has, for instance, a differing position on gun control.

They also provided us democratic means for the recognition, debate and solution of national problems. I am certain we can convincingly participate in that debate only if we recognize the shape of the problem from the blurry facts with which we deal.

To many Americans crime is a part of the racial problem. And, according to Lynn Curtis of the Bureau of Social Science Research, 1967 research into arrests for the four major categories of crime disclosed that

> sixty to 70 percent of the homicidal killers and their killed are black. The same percentage hold true for aggravated assault and forcible rape. Thirty-eight percent of our robberies are committed by blacks against blacks with an additional 47 percent committed by blacks against whites.

Since blacks are disproportionately arrested in America these figures are biased upward. Since standards of law enforcement are relaxed in black areas they are simultaneously biased downward.

But as with most of our crime figures these are, if blurry, the best we have to work with.

These facts of life are of no surprise to lower-class blacks for they live in the black slums and live their lives in the shadow of crime.

It is this crime which prompted the National Advisory Commission on Civil Disorders to almost hesitantly report in 1967 that "[t]he strength of ghetto feelings about hostile police conduct may even be exceeded by the conviction that ghetto neighborhoods are not given adequate police protection."

This concern of blacks was more clearly seen by John F. Kraft, Inc. whose surveys of urban black communities during the 1960s disclosed:

> The apparent meaning of putting crime at the head of the list of problems for the respondents is that more police protection is wanted. Problems of "police brutality" —in all these surveys—are conspicuous by their absence. It appears that police malpractice is an issue in Harlem or Bedford Stuyvesant only insofar as the police are inadequate in doing their jobs or that there are not enough of them. Police brutality, as such, is *not* a volunteered problem of concern for the Negro people of New York. This failure to volunteer police brutality as a problem for major concern contradicts what many people regard as the Negroes' posture in this respect.
>
> In other words, there is a large body of Negro opinion— the largest part—which takes the side of the policeman.

These facts should be reviewed in an historical perspective. The overt and well understood exclusion of blacks from the system of southern justice resulted in differing standards of community behavior. There punishments ranged from the maximum for blacks accused of crimes against whites; lesser but still severe punishment for whites who committed crimes against whites; wrist-slaps for blacks who committed crimes

against blacks; and absolution for whites who committed crimes against blacks.

For more than a decade we have worked to include blacks on Deep South juries and in public employment and to desegregate southern penal institutions. This desegregation of the system of justice of its own force tends to equalize the administration of jusice.

But three-fifths of the blacks who now live outside the South were born *and reared* there. Their view of the law and its enforcers is one of well placed mistrust.

Perhaps the next generation of southern blacks will place more trust in a system of justice in which they and their parents participated. But these citizens are a generation away and we are forced to deal with the problems of now, now.

Abridgement of Liberty

I do not intend to speculate with you on the basic cause of crime or excuse it or attempt to rationalize it away. I believe that too many "liberals", white and black, have made and continue to make that mistake. I desire no part of that.

Nor do I intend to debate the crime proposals of those who are simply responding to national fears. Their proposals—except for their abridgement of our and their personal and lawful liberty—are unimportant and will have no substantial effect on crime except the killing or the locking up of a few more criminals for a longer period of time.

But we should look at some examples of their response to the fear of crime.

Take wiretapping. The rationale for legalizing wiretapping was its utility and dire need in homicide, espionage and kidnaping cases. These crimes, it was argued, merited incursions into the citizen's right of privacy. The drug and organized crime crises were added to the Government's arguments and the liberals and conservatives, Democrats and Republicans, obediently adopted the Omnibus Crime Control and Safe Streets Act of 1968.

The wiretappers, now legalized, went to work.

By 1971 Federal and State officials admitted they had legally tuned in on 1,118,912 citizen conversations.

Yet not one tap had been installed to solve a homicide.

Not one tap had been installed to solve an espionage case.

A single solitary tap had been installed in a single solitary kidnapping case.

Even the percentage and actual numbers of wiretaps installed to combat the drug traffic had been cut in half.

Now the wiretapper is with us as a full-time legitimate government employee. The fear of wiretapping has been added to our general fear and the Government continues to listen to bookies and politicians and, perhaps soon, the taxpayer through the auspices of the Internal Revenue Service.

Freedom is not for the fearful.

Another example:

Millions of relieved and good humored Americans are being searched

in the airports they paid for as a precondition to the exercise of their right to travel. And now they actually pay for the search by a surcharge added to their airline tickets.

What little debate remains on this subject is over the type of search to which they'll be subjected and the admissibility into evidence of the results of the search. The solution to the skyjacking problem rested in international agreements requiring the trial of sky-jackers rather than the provision of safe-havens for them. But the searchers will continue their work long after the problem has disappeared.

The sky-jacking problem grew from the outflow of Cuban refugees following the overthrow of Cuba's Batista government. Thereafter, Cuban refugee hijackers and American refugee skyjackers criss-crossed land and sea seeking escape to the other country. Their vehicles were temporarily stolen air and sea craft.

Recently an American agreement with the government of Cuba eliminated that country as the most common of the skyjackers' safe-havens. Similar agreements could be worked out with the governments of other safe-haven countries if, indeed, those countries exist. Even Algeria, said to be one of those countries, returned to Delta Airlines its airplane and its $1,000,000; there is no profit in a flight there.

Thus the ultimate answer to the sky-jacking problem lay in our treaty making power, not in abrogation of the Fourth Amendment rights of air travellers.

And the personal search solution has never been an answer to the bomber whose techniques might include placing his crime instrument in a suitcase rather than suit bag, in an envelope rather than a gun barrel.

But the major part of the sky-jacking problem eliminated by agreement, the American taxpayer is to be left with a new, massive, generally incompetent and sometimes surly airport police force, a limitation on the right to even internal travel, and a voluntary and indeed paid for relinquishment of Fourth Amendment rights.

Even more ludicrous is the desire to deter sky-jacking with a death penalty. There may be some Americans—but I doubt it—who believe that the D.B. Coopers who are willing to risk their lives with guns or bombs at 30,000 feet and who are willing to parachute into the night with their ransom sacks are deterred by the threat of the death penalty. To assume that a person willing to accept the risk of his life in the commission of a crime is deterred by a threat of death upon conviction for the very crime he thinks he'll get away with is too absurd for words.

Enough of that.

There is another unproductive area of crime discussion. It revolves around the root problems of poverty, slum housing, ignorance and unemployment. To repeatedly center on these problems with perhaps an exception for unemployment seems a rationalization to many and because these problems are enormous and complex, a cop-out to others.

For example, I personally favor a national Family Assistance Plan of sorts, a floor-underwriting of the poor and uneducated, sustaining and nationally equal in amount, which would enable the poor, if they so desired, to remain in or move to the South or elsewhere in rural and small-town

America. This seems preferable to continuance of an economically forced migration to cities where life is as complicated as it is dismal, and good but less than literate farm folks are made welfare supplicants, euphemized as the Urban Crisis, and lodged in high-crime ghettoes where they face the grinding wonders of urban proverty.

But that plan as with others in the areas—even though it attacks the problem of dislocation seen by many as a major factor in urban crime—presents no convincing remedy for the problems of the crime fearful.

Yet there are some convincing remedies which are available. There are some local and national proposals to which we, and especially urban black leadership, ought immediately address ourselves. These proposals require a particular exertion of political leadership and courage.

Since the ghettoes are high-crime areas they should be intensively policed. An infusion of on-the-beat readily available policemen is not to be easily accomplished. For their presence will limit freedom—I am speaking of license not constitutional liberty—within the community and will be attacked by those who profit from their present control of the slums and their streets. Policemen are themselves fearful of the performance of duty in these high-crime areas. They will bring with them their fears and the susceptability of all men to the temptations of money and raw power.

The leaders who propose their introduction into the community in massive numbers will be subjected to the rhetorical abuse of the oral militants and lonely but very silent eternal thanks from the law abiding residents. Reasonably organized criminal interests which extract profit from the chaos of these communities will uniformly oppose this influx of uniformed outsiders. Their numbers and narcotics sales are as certainly the transactions of slum streets as are muggings, robberies and homicide.

And since slums are the darkest sides of our urban constellation they should be well-lit. Black urban politicians should concentrate on their communitys' extra-share of the municipal budget if they are to brush aside the darkness of crime. But those who find the darkness a comfortable accomplice will oppose this too. Basic white resistance will come from those who are unconcerned about crime in the slums. The crime concern of most whites is centered in tree-lined suburbs for as those of us who still support school desegregation have always known, "white folks ain't gonna pay for nothing their kids don't go to". Well, crime has escaped from the slums and the white community must be forced to pay for more than a mere attempt to keep it locked into unsafe ghettoes.

Black and white liberal leadership must also move forcefully to end the condonation of crime. To understand crime is one thing, to justify it quite another. To publicly and privately argue that particular criminal acts are effectively justified by centuries of repression is an especially dangerous and politically disastrous part of the New Paternalism.

Since crime statistics are inadequate there is according to Lynn Curtis no way to test the assumption that blacks are committing an increasing number of homicides, aggravated assaults and forcible rapes against whites. Whether or not this be the case, the slightest excusing of crime by blacks against whites should not be unrebuked, publicly and privately, by black leadership.

Those of us who openly opposed white crime against blacks in the South understood it, we did not justify it.

For in that justification there is root racism, racism which seems as rampant and un-rebuked in the black communities of the North as it did in the white South.

Alcohol Abuse

There are certain areas to which national attention must be directed and Congressional action taken. For the chemistry of American common crime includes a blend of alcohol and hand guns, narcotics and expanding imprisoning records systems, the latter of which were intended to be curative rather than causative.

First, a few facts.

Alcohol, rather than heroin, addiction is primarily implicated in crimes against the person. For example, from 50 to 60 percent of those who commit homicide have ingested alcohol prior to commission of the crime.[2]

The

> closest relationship between intoxication and criminal behavior (except for public intoxication) has been established for criminal categories involving assaultive behavior. This relationship is especially high for lower lower-class Negroes and whites.[3]

One study, perhaps the most definitive study of all, demonstrated that alcohol is associated with particular techniques of homicide—72 percent of the stabbings, 69 percent of the beatings, 55 percent of the shootings and 45 percent of the miscellaneous methods.

Indeed in a basic study conducted in Philadelphia, alcohol was absent from *both* the killed and the killed in only 36 percent of the cases. It was present in *both* the killer and the killed in 44 percent of the cases.[4]

Additionally alcohol related offenses constitute the greatest part of our crime problem and the greatest drain on our anti-crime resources.

1. Public intoxication accounts for one-third of all arrests. The jailing of drunks costs more than $100 million annually.

2. *Report of the Task Force on Drunkenness.* The President's Commission on Law Enforcement and Administration of Justice ("Task Force") 14 (1967). This study notes that "[e]xcessive drinking of alcoholic beverages is a significant factor in the commission of crimes." *Id.*

3. An even higher percentage (64%) of the injured male victims of assaults by unknown or unspecified persons has been shown to have positive blood alcohol readings. This compares with only 33 percent of the men injured by known persons. HEW 1st Spec. Rep. to Cong. on Alcohol and Health 41-42 (Dec. 1971).

4. Brecher, E.M. (ed.) *Licit and Illicit Drugs* 262 (1872). Alcohol seems to remove sexual and aggressive inhibitions and "[o]n the basis of the present data one can say that there is a strong link between alcohol and homicide and that the presumption is that alcohol plays a casual role as one of the necessary and precipitating elements for violence." Task Force, 41. But "[o]pium derivatives and related synthetics, including heroin, morphine, codeine, methadone, do not seem commonly to precipitate criminal behavior by intoxication. While euphoria and excitation at the time of injection is reported by some users, the main effects of the drugs appear to be drive reduction, passiveness, drowsiness." *1 Working Papers of the National Commission on Reform of Federal Criminal Laws* 223 (1970).

2. The alcohol related charges of driving while under the influence, disorderly conduct and vagrancy increase the alcohol related arrest percentages to more than one-half of all arrests.[5]

No legislative proposals aimed at amelioration of the problems of crime should be even considered which do not include the provision of funds for research into alcohol addiction and expanded voluntary but not involuntary rehabilitative efforts for those addicted.

Additionally the crime of public drunkenness should be struck from the books and the police removed from this field. Our society should be forced to deal with the alcoholic problem on a medical rather than criminal basis.

On the local level and particularly in the slums of our cities the police should strictly enforce other presently existing liquor laws.

Discriminatorily lax law enforcement allows the speakeasy to exist and the unlicensed bootlegger to operate his slum crime centers and to do so usually unmolested. Licensees in both black lower-class and white upper-class communities rarely refuse service to drunks and are even more rarely charged with the crimes they thereby commit yet we tolerate this unlawful activity. Here the strict enforcement of laws now 40 years old could appreciably effect a decrease in violent crime.

And by allowing the police to attack crime, rather than arrest and jail drunks, law enforcement manpower could be multiplied.

Gun Control

Easily concealed, historically the great equalizer, more than 25 million hand guns are in America's purses, pockets and glove compartments. The demand for these top-drawer weapons is both a response to fear and a prime cause of it. And hand guns are being drawn into our society at the rate of 2.5 million per year.

In 1971, 17,630 Americans were murdered. Fifty-one percent of them were shot down with hand guns. During the 1967-71 period they were used to kill 73.8 percent of the law officers slain.

These are the primary instruments of violent crime in America yet the United States remains an armed camp.

A minimum estimate of all firearms in the possession of the people is more than 90 million. To most of those people "the right of the people to keep and bear arms" means *their* right to *their* firearms. That the Supreme Court, the American Civil Liberties Union, noted commentators and the police disagree matters not a whit to them. And their reading of the Bill of Rights is the important reading for, in the last analysis, law enforcement depends upon them.

Some of them argue that an armed people are more likely to remain a free people than an unarmed people. And, with the argument, I find it difficult to disagree. The homicide price of the long gun is high—it is used in 14 percent of our murders—but not too high a price to pay for the ultimate security of our personal liberties.

5. This problem is long-term and continuing. For example, in 1965 there were 1,535,000 arrests for public drunkenness; 250,000 for driving while intoxicated; and 490,000 for disorderly conduct.

In a nation now in principle committed to peaceful co-existence with the age-old and inherent instruments of governmental tyranny—a large and standing army; an increasingly powerful Executive; an expanding national police force; an ever-growing intelligence community; a large and powerful navy, air force and marine corps; increasingly centralized private wealth and corporately owned land; expanded surveillance and fast retrieval record-keeping systems; and burdensome and harsh taxation—the citizen's personal liberty and his personal security in that liberty require at least the retention of a deterrent power in citizen hands.

For four decades the Congress and the Judiciary ceded responsibility and with that cession, power, to the Executive. The ultimate responsibility for that cession lies with the citizen.

Patrick Henry, fearful of the concentration of power, spoke at the Virginia Convention on Ratification of the Constitution. He inquired of his fellow citizens, "Will your macebearer be a match for a disciplined regiment?"

From the perspective of our history and the danger of our present, we—the citizens of these states by whom under the Ninth and Tenth Amendments all non-delegated power is retained—must ultimately respond to that inquiry. And that response must not be made by a unilaterally disarmed citizenry.

All efforts to disarm the citizenry have been met by opposition from a substantial minority of the people. As Machievelli put it:

> When you disarm them, you commence to offend them and show that you distrust them either through cowardice or lack of confidence, and both of these opinions generate hatred against you.

This substantial citizen minority fears registration laws as a first step on the road to confiscation. They fear the outlawing of the Saturday Night Special—cheap, primarily .22 caliber hand guns which account for 43 percent of our hand gun murders and 600 thousand of the 2.5 million new hand guns entering our society each year—as a second step along a road they do not intend to travel.

But the hand gun—the easily concealed weapon of the fearful and the street criminal—all hand guns not merely the cheap ones which are essentially weapons of the poor, must be banned if we are to combat murder, the crime those fearful citizens most fear.

This cannot be done unless the people are convinced that the hand gun offers them little street protection. They are not quick draw experts—little-old-lady Gary Coopers in High Noon. They are not able to outdraw bandits whose guns are trained on them in their stores and shops. They are far more likely to shoot themselves, their friends and their children, than the unknown culprit upon whom they took fearful aim when they decided to purchase their hand guns.

If they knew that all handguns had been outlawed; that the hand gun laws were strictly and speedily enforced; that after payment of just compensation therefore, handguns had been removed from American life and the possession of America's criminals, they would be willing to lay down this weapon. Perhaps this willingness would grow if they knew that

the protective weapon of choice and of sportsmen, the long gun remained not merely available to them but that their right to its unregistered possession had been further and statutorily assured.

Narcotics Addiction

Heroin addiction is implicated in crimes against property and—due primarily to the irrational nature of addict crime—to some crimes against the person. The easiest answer to this problem is to provide addicts their heroin and write them off as a docile societal loss. Although we seem unable to bring ourselves to this, we are willing to provide them methadone, another addictive drug but one which may allow them to become productive members of society.

If alternative courses lack morality our present national course lacks good sense.

Let's look at the nature of our heroin law enforcement problem.

To supply the highest number of addicts estimated, 500,000[6], a maximum of ten tons of heroin per year, 55 pounds per day are required. To find this when our imported goods are 100,000,000 tons per year and 200,000,000 people enter the United States through customs is an impossible task. The luggage of but six of those 4,000,000 weekly border-crossers can carry a sufficient supply of heroin for a week's use by even this overestimated addict population.

To destroy the opium poppy at its source presents another problem. It can be grown almost anywhere. In this country it has been grown from Vermont to Georgia to California. It has been grown across the world, from Greece and Turkey to China and India, from Mexico to North Africa, from Bulgaria to Laos.

To plow it under in Turkey is to increase the value of a harvest in Laos.

The staggering if simple fact is that an estimated 23.2 square miles of the earth's 196,938,800 square miles are required to produce the entire annual American addict supply. To further illustrate, that entire demand could be met by 38 average-sized American farms.

Add to these problems the fact that presently the technique of the synthetic manufacture of heroin from morphine is known and the cost of a factory for its conversion in kilogram lots is about the price of a good still—$700.

The continuing three-time-a-day demand for the drug and the law keep the profits up and the streets active, the police corrupt and the people fearful.

Some of New York's answers to the problem are facially absurd. Take the detention centers which have cost the taxpayers three-quarters of a billion dollars since 1967, have handled 20,000 addicts and recently housed only 368 of them.

Even more tragic is the clamour of Harlem parents to have their children's urine tested at the schools to determine if they are using drugs. The record of those tests, whether mistaken or not, may become another

6. *Licit and Illicit Drugs* 92, estimates 250,000 to 315,000 United States addicts.

monkey on those childrens' backs and haunt them through our rapidly growing records prison.

In this field, I find it difficult to believe the research, let alone the proposed solutions I read, even though the urgency of the problem and the reality of the fear it engenders make me want very badly to believe in some simple solution.

A knowledge of economics does tell me one thing—decrease the demand and you'll decrease the profit; decrease the profit and you'll decrease the supply.

Thus I suppose expanded methadone maintenance coupled with employment and educational efforts offer us our current best hope.

Perhaps the strictly controlled medical use of heroin to simply meet the addiction problem and to eliminate the demand for illegal heroin should be tried; perhaps it should not.

But we might in this way keep illicit heroin off the open market and thereby and through the enforcement of other presently existing laws keep new addicts from being made.

Arrest Records

The prisons are "non-correcting correctional systems"; they are "a national disgrace"; "tanks, human warehouses".

These statements were made by the present Chief Justice, the present associate administrator of the Law Enforcement Assistance Administration and the present director of the Federal Bureau of Prisons.

These and like statements have been made for generations, yet we continue to lock people in prison and do nothing more than pay for their upkeep and education in crime.

Probably the best and least expensive suggestion for the rehabilitation of prisoners is that they be provided good time and other incentives for teaching and learning to read and write, add and subtract. But even this modest and inexpensive and administratively available rehabilitative reform is largely ignored.

Instead we are rapidly creating a 'records prison" that limits a person's options and may encourage future criminal behavior by making it very difficult for him to obtain jobs, licenses, homes, credit, professional credentials, bonding or even admission to schools.

We know, for example, that law enforcement agencies made some 8.6 million non-traffic arrests in 1971. Of those arrested, almost four million were not convicted of the crime charged. The law and the basic assumption of our society declares them innocent. Yet the effect of an arrest record is to declare them guilty.

The burden of arrest records falls most heavily on the poor and the black—those whose living conditions might encourage a predisposition toward crime. A Federal judge in California, in ruling on a job discrimination suit, noted that "Negroes nationally comprise some 11 percent of the population and account for 27 percent of reported arrests and 45 percent of arrests reported as 'suspicion arrests.' Thus any policy that disqualifies prospective employees because of having been arrested once, or more than once, discriminates in fact against Negro applicants."

The probability of a black urban male being arrested at least once in his lifetime has been estimated to be as high as 90 percent. For white urban males, the figure is 60 percent and for all males, it is 47 percent.

Placement specialists report that employers' attitudes engender defeatism among unemployed persons with arrest records. A study of the New York area employment agencies, for example indicated that 75 percent would not accept for referral an applicant with an arrest record and no conviction. The Director of the local U.S. Employment Service in Washington, D. C. has stated that many employers required a "clean" arrest record as a condition of employment, and that the Service was able to place only about 15 percent of applicants with records of convictions *or* arrests.

In 1969 New York enacted a law requiring the fingerprinting of securities industry employees. Of the first 20,000 persons fingerprinted, 361 were found to have arrest records, and 54 lost their jobs. The potential for discrimination against arrestees extends into the public sector: an estimated 56 percent of all states, 55 percent of all counties and 77 percent of all cities ask whether an applicant has ever been arrested on their civil service application forms.

I submit that it will be far easier to change the procedures for handling simple arrest records than to change the entrenched attitudes of hundreds of thousands of employers. But many law enforcement officials are not likely to agree.

There are, of course, several constitutional objections to the keeping of arrest records, among them the rights to a presumption of innocence, due process of law and privacy. But what I have emphasized are common-sense, law-and-order reasons for doing away with arrest records. And already several Western European countries forbid their maintenance. At least 13 of our own states have, in varying degrees, recognized, by providing for expungement or nullification, that arrest records are far more harmful to the individual than helpful to the police.

I have provided certain suggestions for meeting the basic and urgent problem of crime and its reckless companion, the fear of crime.

There are others.

The elimination of criminal sanctions on marijuana, not because marijuana is good, but because the law enforcement process and penalties are so wastefully bad; the speeding up of the trial process and in that way the elimination of the plea bargaining system which tends to free the guilty and enmesh the innocent, a simple change which would also end the demand for unconstitutional pre-trial detention. These would be important changes but are perhaps more appropriate for consideration elsewhere.

Whatever we decide to do about crime we should heed the mandate to physicians and strive to do no harm. And at all costs we should avoid the desire which underlies the proposals of the most fearful—the desire to simply separate those whom we despise from our society by killing them or involuntarily committing them or sentencing them to but another of our wastefully useless institutions. These desires of the fearful and their answers to crime are primitive and as old as the out-caste system.

And we know that their system of separation merely creates castes.

We have seen those separated from our society. We know that the

old have moved from the county poor house to the urban nursing home or the central state hospital; the alcoholic failures to their Bowery, or off the streets to the city jail; the mentally ill to asylums now known as mental hospitals; lawbreakers to jails and prisons; non-conformist juveniles to reform schools; Indians to reservations; Japanese Americans to detention camps; and Negroes to urban ghettoes. In each instance we term the confinement that which it is not. We offer minimum service, get the offensive person out of sight, and give a dole that salves our conscience but binds the outcast to the benefit.

Our people, black and white alike, have good sense. They have minds to change if those with knowledge, access to communication and the qualities of leadership will but provide them the facts upon which to base their change. To prove this is to merely remember the absolute truths of our recent past.

Unleash Chaing Kai Shek!

Segregation today, segregation tomorrow, segregation forever!

Abortion mill exposed!

Perhaps it has been our experience in the South which provides us the sustenance of an abiding and deep faith in the people.

Someplace, sometime we must begin to speak sense about crime.

I suggest that this is the time and the place; and you are the people who must speak.

When you do so, remember the lessons you learned as children and taught your children: It is better to be soft-hearted than hard-hearted; better to be termed a do-gooder than a do-badder; better to forgive than to bear a grudge.

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THE BLACK COMMUNITY AND THE DRUG PROBLEM

by Leroy D. Clark

The Nature of the Problem

This paper will concentrate on the problem of heroin abuse primarily because it is the drug which has implicated a large number of blacks in criminal charges, and is collaterally associated with a high crime rate in many ghetto communities. It is important to note, however, that in terms of direct impact on physical health and the largest number of users, heroin, on the basis of our current information, is not as harmful a drug as others, such as amphetamines, barbiturates, alcohol or nicotine. Despite some recent evidence of increasing experimentation with heroin by white, middle-class youth, blacks are present in the heroin drug addict population in far disproportionate numbers than the percentage they occupy in the total population.

Thus, blacks are more associated with crime both as defendant or victim because all of the other drugs named above which are widely used by whites can be secured legally either through open sales in liquor or drugstores, or by way of prescription. Those drugs taken by whites which are illegal, such as LSD or marijuana, are either the subject of greatly reduced penalties in many states and of even an open campaign for legalization (marijuana), or else the user is not presented with serious barriers in terms of access, since these drugs can be grown or manufactured locally, unlike heroin which is presently imported through the smuggling activities of organized crime.

The one characteristic of the drug which might be adverted to by some as the reason for the criminal prohibition, with its attendant high penalties, is that the drug may have a high addiction potential and is extremely resistant to efforts by addicts to cease using the drug.

Because the use of the drug has always been clandestine and because there has been a paucity of research into its impact[1], we are not able to say definitively to what extent casual use rapidly develops into regular or addictive use. We do know, however, that the rate of relapse of those who have been detoxified and ostensibly "cured" of their physiological

1. This is due in part to hostility from law enforcement officials, harassing and discouraging physicians from treating drug abuse as a medical problem deserving of scientific research.

need for the drug is approximately 93 percent, given all of the modalities of treatment which are available. Our experience with alcohol does not indicate that the average person runs a serious risk of becoming an alcoholic and the percentage of persons who have experimented with amphetamines, LSD, and other potentially addicting drugs indicates a greater possibility of using the drug intermittently or being able to cease using it permanently.

One might ask, why should we be concerned about the overwhelming odds that if one becomes addicted to the drug, one will almost invariably continue to seek and need the drug? If the only problem were that one must resort to crime in order to secure the drug, that could be resolved simply by decriminalization. There are, however, serious concerns on at least two scores; first, does the drug disable a person from being able to hold a job and be productive? A well-developed addiction means a need for the drug every four or five hours. Given such a short acting period, and the phenomenon of the "nod," in which the addict at the peak of the experience appears to be incapacitated, there is serious doubt as to whether the average addict could hold a normal eight-hour a day job. This has special implications for a black and poor community, particularly since the estimate is that roughly three-fourths of the addicts are males, and males are still the prime breadwinners in our society. There is some data that a small percentage of the addicts who are maintained on heroin in Britain also work. While this provides some evidence that the drug, at least in a controlled situation as in England, does not totally disable all addicts, it also indicates that a large percentage of the addicts are *not* employed or employable.

Since the research on the British addict is not extensive, it is hard to draw any definitive conclusions from these figures. One would have to know, for example, whether those who are not employed would be employed even if they were *not* taking heroin, or were not employed *before* they became addicted. One would also want to know what kind of work the addicts are doing. Is it all unskilled, low-level work which requires little judgment or intelligence? If so, is the kind of work done a consequence of the addiction?

The second concern that many in the black community seem to have is the possible deleterious psychological consequences of drug addiction. And a further variation of this question is, does regular resort to sedation disable the user from being concerned with community problems or politically useful in resolving them? The answer to that question may seem fairly obvious. Most ex-addicts, for example, report an almost total concentration on drug seeking and drug using. However, this must be qualified by the fact criminalizing the traffic boosts the price of the drug so high that the addict must expend enormous amounts of time and energy in raising the revenue to support the habit. The truth is that we don't have any definitive information on whether the addict who is not thrown into an interminable hustle to get the drug has his general capacities blunted. Research derived even from the English experience would probably not be helpful to blacks on this score because the English addict does not typically come from a lower class, ghettoized background.

The Efficacy of the Criminal Sanction

If one can assume that it is in the interest of the black community to be drug-free (more precisely, heroin-free, since it is unlikely that anyone at this stage would suggest the closing of all liquor stores and bars and a resumption of the Prohibition Era with respect to alcohol), it is a legitimate question to ask whether we can't suppress the drug traffic to prevent the spread of drug addiction, and force all current addicts into rehabilitation programs.

There is some evidence that the interdiction of the supply of drugs may be an effective method of curbing the spread of drug abuse. It appears that this was done successfully in Japan and, to some extent, in England.[2]

However, the record to date of tough criminal penalties successfully deterring or surpressing the drug traffic in America is extremely discouraging. Many persons have been startled recently by Governor Rockefeller's proposal for life imprisonment without parole for persons engaged in the drug traffic, but there is a similar provision presently in the Federal Anti-Narcotics statute which provides for life imprisonment of any person who heads a group of five or more persons engaged in the narcotics traffic. Penalties have been increased in many states over the last four or five years, but our best estimates indicate that our addict population has risen from 65,000 in 1968 to perhaps 600,000 by 1972.[3]

It should also be noted that the period from 1968 to 1972 was not only a period in which there were high penalties for those convicted, but it was also a period during which the Federal Administration stepped up and expanded the investigative and prosecutorial efforts.

There may be a number of reasons why increased investigations, arrests and prosecutions may not have substantially abated the drug traffic in America. A contrast between the Japanese experience and the American experience is in order here. The Japanese were applying their criminal sanctions to the sale of methamphetamines, which could hardly have produced anything like the profits which are present in our heroin traffic. The pharmacy cost of heroin is approximately 4 cents per grain, while the U.S. street price ranges from $30 to $90 per grain.[4]

While the English appear to have stemmed a recent growth in the number of addicts in that country by limiting the dispensation of heroin to a few centralized clinics and prohibiting all other physicians from prescribing the drug, a highly profitable black market is unlikely to grow in England because it would be undercut by the presence of the free heroin maintenance clinics. Thus, the successful interdiction of drugs in the countries mentioned are not especially informative about the possibilities for suppressing the traffic in America.

Another factor which may impede the success of criminal sanctions is the higher level of affluence in America, which affords the addict a

2. Brill and Hirose. *The Rise and Fall of Methamphetamine Epidemic in Japan, 1945-1955*; 1 Sem. in Psych. 179 (1969).

3. American Bar Assoc.'s Special Committee on Crime Prevention and Control, *New Perspectives on Urban Crime* 29 (1972).

4. Weil, Andrew T. *Dealing with Drug Abuse: A Report to the Ford Foundation*, p. 28 (1972).

greater possibility of supporting his habit through thefts. The constitutional restraints on law enforcement search and investigation techniques may also prevent convictions. Motions to suppress illegally seized contraband are granted more frequently in narcotics cases than with respect to other criminal charges. There is also some evidence that even where a stricter border control was established by law enforcement officials, the percentage of drugs captured did not increase greatly, and indeed, the response of drug users may simply have been to shift to abusing a more available and perhaps more dangerous drug (i.e. from marijuana to LSD or cocaine).

The drug traffic could be more effectively controlled if one went to the source of heroin manufacture, i.e. cultivation of the poppy, and by treaty arrangements with foreign countries, encouraged them to suppress the growth of the drug. The U.S. at a cost of $35 million has purchased the substitution of agricultural crops for the production of opium in Turkey.

The major problem with the attempt to control the drug traffic through international treaty is that organized crime can simply shift to another country which has the climatic conditions for the growth of the opium, and the number of such countries is not small, including Laos, Thailand, Burma, Vietnam, Lebanon, and Afghanistan. It has been estimated that the U.S.. demand for heroin could be met by cultivation of only five square miles of opium; thus, the control of the traffic by treaties may not be very feasible.

Civil Liberties and the Drug Traffic

Given the intense fears which are generated around the drug problem, there is a danger that the black community may forget that blacks are disproportionately involved in the criminal process, either indirectly because of poverty, or more directly, because in fighting against discrimination and deprivation, blacks are in the forefront of protest and rebellion.

We must be extremely concerned about the degree of justice which is possible in a process which routes many of our youngsters and our potential leaders to prisons which don't rehabilitate and which actively disable one from a productive existence thereafter.

There are a number of developments, initially a response to drug trafficking, which could become institutionalized and relied upon as enforcement techniques even outside of the narcotics field. One program which posed very serious civil liberties questions was the civil commitment program as instituted in California and subsequently in New York. The almost universally accepted definition of the addict was that he was "a sick person" and therefore "treatment" was in order.

Persons who were proven to be addicted could be civilly committed to a "hospital" for an indefinite period of time until "cured." The failure and dangers of such a program shortly became manifest. In many of the programs, the supportive psychological services were either non-existent or so superficial as to amount to no treatment at all, thus turning the "hospital" into the functional equivalent of a jail. This was especially serious since civil commitment can be achieved on less proof than is neces-

sary to convict a person for a criminal offense, and the period of time that one can remain in custody could be longer than if a person had been convicted of a misdemeanor or simple possession of drugs.

In addition, there was a high proportion of persons relapsing into the use of drugs after release from civil commitment, which could present the spector of re-commitment, and a functional life sentence simply because one is an addict. Such a possibility may seem farfetched, but there are some "experts" on the drug problem who have put forth a "contagion" theory with respect to addicts, namely that they are actively "infecting" others with the disease.

We could therefore not be far off from the time in which persons will be proposing permanent "quarantine." (This is in part the very proposal which Governor Rockefeller has put forth, since his life imprisonment without parole proposal makes no distinction between the non-addict who is involved in the drug traffic and the addict who is involved in the drug traffic as a means of supporting his habit.)

Blacks must be especially concerned with any imprisonment technique which is applied to those deemed to be "deviant," for we have a long history of a white society inclining towards harsh, punitive treatment of those from whom they are distant in race, class or cultural terms.

Preventive Detention

One jurisdiction has adopted a preventive detention bill which permits the court to refuse to release a defendant pending trial if there is some possibility that his release would not "assure the safety" of other persons in the community. The prime notion behind the legislation is that an addict, prior to trial, will have to engage in other criminal offenses in order to support his habit, or that he will continue to sell to other addicts. The serious danger in the legislation is the possibility that it can be generalized to other offenses. Data indicates that defendants who are incarcerated prior to trial, and who cannot assist in the preparation of their defense, tend to have a greater percentage of convictions and longer sentences. This could be especially crucial to a defendant who is black and innocent, since there is a community custom of non-cooperation with investigative personnel, especially if they are white.

Search and Seizure

It is not an overstatement to say that probably most of the major cases in the last 15 years in which police conduct has been found to be unlawful have arisen out of attempts to investigate and arrest for narcotics sales or possession. The Fourth Amendment, protecting our homes and persons against unreasonable searches and seizures, is an essential bulwark against official intrusion into the privacy of everyday citizens. However, the very nature of the drug traffic, much like the traffic in alcohol during the Prohibition Era in being secretive, consensual and "victimless," means that the investigative authorities must use all sorts of extraordinary and aggressive techniques to penetrate the traffic, often making them collide with the privacy interests of the general public.

Even at the Supreme Court level, some decisions have been made which could be abused by irresponsible prosecutorial officials, such as the recent case which says that police informers can be intruded into the presence of individuals or groups without any evidence that they have committed or plan to commit a criminal offense. Legislatures have responded likewise; the "No-knock" legislation, for example, permits a magistrate to issue a search warrant, authorizing officers not to identify themselves and to forcibly enter premises so that the surprised occupants of the premises cannot destroy any contraband. The officer may be armed on these occasions and innocent persons and police officers have been injured when police by mistake have broken into the wrong premises.

Needless to say, even with aggressive and intrusive police work, court decisions, and legislation to strengthen the hands of law enforcement authorities, the organized trafficking in drugs has continued and flourished. They have simply develop techniques of preventing informer penetration and of creating new means of operating covertly.

We are also in danger of permitting repressive legislation and law enforcement techniques to be foisted on us in the name of increased efficiency in interdicting the drug traffic, when in fact the goal of total suppression of it under our present conditions is probably illusory.

It is illusory in part because of another serious and deleterious by-product of the drug traffic: namely corruption of police and other prosecutory officials. Given the high level of profits which are available to those high up in the importing of drugs, they are to some extent able to "buy off" law enforcement officials. The recent Knapp Commission Report on the corruption of the police force in New York City where the largest number of addicts are located, involved policemen and detectives supposedly investigating narcotics offenses.

Methadone Maintenance

What is needed are some alternatives that will destroy the illegal traffic in drugs, and bring it under public scrutiny and supervision, Methadone maintenance is probably one of the least costly and most efficient means of drawing addicts away from heroin abuse. Some studies of methadone maintenance programs have shown the participants to be progressively less and less involved in criminal activities and to resume their education and hold jobs. The substitute drug has a longer period of action, thus permitting the addict to hold a job and to visit the clinics only once a day. It is not considered a completely satisfactory solution by all, because the substitute drug is itself addicting and persons who try to withdraw from it have a high probability of relapsing to heroin use. It is also a possibility that addicts may be using methadone maintenance programs temporarily solely to adjust the level of their heroin habit downward, in order to remain on heroin at less expense.

Methadone maintenance programs are now limited to persons 21 years old and over. This means that it isn't available to very young addicts, who must remain on the street exposed to the possibility of death through "overdose." There have also been leakages of the drug from clinics and

to that extent, two problems are created: namely black market in methadone and also the possibility of death for persons who are new to the drug scene because methadone is an especially potent drug. This may mean that security measures will have to be tightened and the drug administered only on the premises. (Some programs, in order to avoid requiring an addict to make daily trips to the clinic, have dispensed a week's requirement—some may have found its way to the black market.)

Heroin Maintenance

Given the magnitude to which the problem has grown under our present system, any serious discussion of the drug problem must consider the possibility of our adoption of the British system of heroin maintenance clinics. Some persons say that such an experiment is premature because we have not exploited the possibility of maintaining addicts on methadone, or expanding the drug-free, therapeutic center approach. The problem with this suggestion is that the total number of addicts in drug-free programs and in methadone maintenance programs, even with the waiting lists, is only a small fraction of the estimated total addict population.[5] The attachment to the heroin drug is obviously very intense and compelling, and apparently persons only go into these treatment programs as a last resort when they are no longer able to maintain their habit or after they have been severly traumatized by jail or the constant hustle for the drug.

The vast bulk of addicts are at least in behavioral terms making a decision to stay on drugs. One consequence is that they are more subject to the illnesses associated with the underground traffic (i.e. hepatitis from unclean needles), and more seriously, they are subject to death in using the drug. It was thought at one time that these deaths were due to an "overdose," however, the recent Consumer Union Report, *Licit and Illicit Drugs*, questions this proposition, and indicates that the death may be caused by taking the drug in combination with alcohol or by the mixing of heroin with other substances. In any event, this is problem which could be much better controlled and subjected to research in a heroin maintenance program.

Some would claim that you clearly have not "cured" the addict simply by supporting his symptomatic behavior of drug use. In answer to this, perhaps heroin maintenance programs should try to move addicts from heroin to methadone after they have been in the program for some period of time, going utlimately into a drug-free program if that were possible. However, it is not possible to even attempt that route unless one has some contact with the addict, which we do not have when he is serviced solely by street pushers. Perhaps those persons who are still involved in the street traffic can only be induced into treatment if at least initially they are assured that they will receive the drug of their choice.

One of the most important benefits of a heroin maintenance program might be the collateral reduction in crime, especially for the black community, which in many instances has been immobilized by the high level

5. As of 1971, only 11,000 addicts in New York City were involved in any kind of treatment. This was approximately one out of ten. *Vera Institute of Justice, Ten Year Report*, p. 114.

of crime at night, at a time when community organization work would normally be conducted. It is claimed by some that we must be cautious in predicting a substantial reduction in crime because many persons who are now addicts were involved in criminal activity before becoming addicted, and some continue, even when in methadone programs. However, we know that some portion of criminal activity must be generated by the high cost of the drug, and if there were even a 15 to 20 percent reduction in crime in the black community, this would be welcome by all.

There are obviously some serious unanswered questions that are attendant upon the adoption of heroin maintenance programs. Would a black market exist alongside the government maintained clinics? It is projected by many that dealing in narcotics would be substantially less profitable if the bulk of the present addict population were being serviced free of charge in government supervised clinics. It is also asserted that the addict who now may have an interest in recruiting others so that he may sell to them and support his own habit, would have a substantially reduced interest in that kind of activity.

On the other hand, we do not know how many persons who are now frightened to dabble with the drug because of the high cost and the possibility of imprisonment would experiment because the black market cost of the drug would be lower and if there was an assurance of a free supply if one became an addict. Again, we can only resort to the British experience for some tentative information and it appears that the black market there is quite small. One would also be confronted with the problem of what to do with the 14 or 15-year old who presently has a heroin habit. Would you maintain such a youngster on the drug, perhaps permanently?

It is possible also that if the government simply dispensed enough heroin to prevent withdrawal symptoms, but did not dispense heroin of such quality to produce a euphoria, that the addicts would then resort to the black market for additional heroin to get the appropriate effect.

Many persons also oppose the heroin maintenance proposal because they believe it will mean "giving up" on the current addict population, and also reduce the pressure on the society to look for better responses to the drug scene. While this is an obvious danger, one must look at the directions public policy has been pushed by the average citizen's alarm; and they primarily partake of extreme demands for "stricter law enforcement," which can only damage the addict immediately and pose some long-range risks for the black community at large. What it seems to generate is cynical or ignorant politicians proposing punitive "get tough" legislation, but rarely does it call for massive expenditures for basic medical and social science research in the field.

Drug-Free Programs

Drug-free programs should be continued and even the drug maintenance programs should adopt a goal of moving the addict into a drug-free state, especially if information developed in the future specifies the incapacitating features of drug use. The serious problem facing the current drug-free programs is that those that have been closely evaluated do not

appear to have a high success potential—if that is measured solely in terms of abstinence.

In order to preserve these programs against claims that they are too costly (if measured against the results), we should expand our research capability in the drug field to get better answers as to why persons go on drugs, whether there are any non-addicting drugs which can act as blocking agents to heroin, and whether there are any positive approaches which can act as effective substitutes for the drug experience.

This latter point, advanced by Dr. Andrew T. Weil, is one of the most interesting and perhaps fruitful suggestions in all of the drug abuse literature. He says, "It is my contention that the desire to alter consciousness is an innate psychological drive arising out of the neurological structure of the human brain. . . . We must remember that every culture throughout history has made use of chemicals to alter consciousness. . . . Innate, neuropsychological drives cannot be banned by legislation. . . ." and further,

> Society thinks that problems come from drugs rather than from people. Therefore, it tries to stop people from using drugs or to make drugs disappear rather than to educate people about the "right" use of drugs. No drug is inherently good or evil; all have potential for positive use, as much as for negative use. The point is not to deny people the experience of chemically altered consciousness but to show them how to have it in forms that are not harmful to themselves or to society. And the way to do that is to recognize the simple truth that the experience comes from the mind, not from the drug. (Once you have learned from a drug what being high really is, you can begin to reproduce such state without the drug; all persons who accomplish this feat testify that the non-pharmacological high is superior.)[6]

Another problem that those committed to the drug-free approach may be contributing to is that our "anti-drug education" program may be counter productive. The Consumers Union Report suggests that much of the attempt to "scare" persons away from experimenting with drugs may indeed attract some persons in the population precisely because of the thrill of risk taking. The report also mentions that we ought to be more accurate in our descriptions of the impact of various drugs and their real deleterious effects. Lumping marijuana in our criminal statutes along with heroin is a serious error and may indeed make the experimenters with any drug doubt all of our statements about the dangerousness of certain drugs. The report also suggests that we try to get information to addicts, even when they are not in a program, as to the safest conditions under which they can use the drugs that they are using, even when they are using them illegally. We have a responsibility to the addict even though he may not be cooperating with us on our terms.

6. *Dealing with Drug Abuse: A Report to the Ford Foundation*; p. 329-344.

Alternatives to Imprisonment

The literature of alternatives to imprisonment describes a range of experimental programs that have several features in common. They are all less expensive than incarceration, stress rehabilitation and successful functioning for return to the community and to a job; describe a controlled environment with supportive personnel and peers and perhaps limited periods of functioning in the home community; incorporate treatment techniques like individual and group counseling or therapy, group social activities, school tutoring, and a lower ratio of personnel to "client." To the extent that data are kept, they all indicate lower percentages of recidivism.

We can begin to look at the alternatives to incarceration by separating out the three phases at which that becomes an issue: pre-trial, post-trial, and post-imprisonment.

Alternatives to Pre-Trial Incarceration

Detention of arrested persons prior to trial has some very high costs to the State and the defendant involved. In 1962, approximately 58,000 persons were held in pre-trial detention in New York City, at a cost of over $10 million for the year. The extent to which that was a waste of public funds must be matched against the fact that a large proportion of the charges against defendants, going as high as 30 to 40 percent, must be dropped because of lack of evidence. The impact of all of this on the black defendant is especially crucial because, while the persons detained pending trial are to some extent those who have prior records, the data indicates that the major variable is whether the defendant is indigent or not. If he has financial resources, he will be released on bail pending trial, where if he lacks those resources, he more than likely will be held pending trial.

Studies have also shown that the fact of being held prior to trial eventuates in a greater number of convictions and longer sentences. This is true even when you control for seriousness of the offense and the extent to which the defendant has a prior record. The probable cause of these results is that the defendant who is held in jail prior to trial cannot assist in the investigation of his case and, in comparison with the defendant who is released on bail who may continue to work and function in the community, he does not present as favorable a picture in the probation report which the judge utilizes in order to set the sentence.

A number of alternatives have been suggested to counter the discriminatory impact of this pre-trial detention: namely supervised release, release in the custody of a third party, or daytime release. Under supervised release the defendant must commit himself to remain within the court's jurisdiction and to periodically check in with the police or the probation department. This clearly provides more evidence of the defendant's continuing presence in the jurisdiction than even the bail system.

Some jurisdictions have experimented with the release of the defendant into the custody of another party, namely an attorney, employer, or with respect to juveniles, their parents. The only serious question with

making this procedure more widespread is the problem of whether one should apply sanctions to the third party if the defendant should abscond. The presence of stiff penalties might discourage persons from acting in this capacity, but there should be some incentive to have the party actively supervise the reappearance of the defendant. One county experimented with attorneys being permitted to act as a third party with a sanction of removing the attorney's name from an approved list if a defendant of his did not show up for trial. The attorney would obviously like to remain on such a list, so that he would be able to secure the release of future clients.

Some courts have experimented with permitting the defendant to leave the jail during the day to continue his employment, with the stipulation that he return to jail at night. This practice has been limited to persons who have been convicted but could conceivably be extended to the pre-trial detention phase. It has the advantage of permitting the defendant to maintain his job in the event the charges are dropped or the defendant is found innocent, and prevents a family from having to resort to public assistance because the prime wage earner may be removed from providing support.

All of these three procedures require an improved fact-finding as a basis for action, namely there must be some factors in the defendant's background which would prompt the court to utilize an alternative to money bail. One would have to look at such factors as residential stability, employment history, family contacts, and prior criminal record.

Post-Trial Alternatives

Once a defendant is convicted or has pled guilty, the court may suspend the imposition of a sentence. This means that the court withholds decisions on the length of the prison term in order to consider subsequent misconduct of the offender if it finds it necessary to revoke the suspended sentence. If the offender is convicted on a second offense, it is then appropriate for the court to apply a more severe penalty upon revocation of the suspended sentence than the defendant would have received with respect to the first charge. This possibility would supposedly act as a deterrent to a subsequent offense.

The court may also suspend the imposition of sentence; however, in this event if it becomes necessary at a subsequent time to revoke the suspension, the court must ordinarily impose the term originally fixed.

Fines are another alternative to imprisonment. Prior to the case of *Tate v. Short*, over two-thirds of all offenders committed to jail for short terms were incarcerated as a result of their inability to pay a fine. However, the *Tate* case now bars the imprisoning of persons who are indigent and unable to pay a fine, thus the State will have to offer the defendant some installment schedule which is within his financial means.

Probation is another common alternative to incarceration. It is a technique preserved primarily for juveniles and adult first offenders. While some studies indicate a success rate for probationers between 60 and 90 percent, there have been no extensive studies on whether such persons

would have done just as well with a suspended sentence without any supervision, and a consequent drop in cost to the State. There have also not been any experiments with trying persons on probation who are now under the custody of the courts being committed to jail.

It is also possible to use the daytime release or the work furlough even after a conviction. Variations can range from requiring prisoners to report in each evening, to having the imprisonment only on weekends. Such an arrangement may make possible another sentencing technique, namely requiring the defendant to make restitution to the victim of his crime, and may be an added incentive to utilize these approaches.

There have been some experiments with non-residental work-educational programs coupled with group therapy and defendant's participation in the running of the operation, that have shown to reduce the recidivism in youthful offenders when compared with juveniles who were incarcerated in state reformitories.

Post-Incarceration Period

One of the alternatives to incarceration is the early release of prisoners before completion of their sentence (parole). But more important are programs which assist the prisoner in the reintegration process so that he has a greater chance of not having to resort to crime and undergoes a subsequent incarceration which may follow. A major problem exists in that the parole release system invests a great deal of discretion in the parole board, and it is in most instances not required to explicate the reasons for denial of parole. There have also been claims made that parole boards focus too much on the nature of the offense committed by the defendant, his willingness to talk about the full range of his criminal activities and associates prior to arrest, and recommendations from the District Attorney. What is recommended is that the parole authorities rely more on recommendations of the correctional officials who have had an opportunity to observe the inmate's behavior during his incarceration.

Studies of the success of parole have indicated that small or large caseloads are not the most important factor in success, but rather the identification of high, medium, and low-risk parolees with a concentration on the medium-risk parolee who apparently benefits from increased supervision. The low-risk parolee may not need any supervision at all, and the high-risk parolee may be extremely resistant to supervision.

One of the serious omissions is any pre-release training programs in most correctional facilities. Prisoners are given orientation classes when they are newly admitted because the prison staff will benefit from prisoners fitting smoothly into the operation; however, they obviously have less immediate interest in the prisoner who is about to be released. This would suggest that parole officers ought to be given charge of some kind of pre-release training program for the persons who will be under their supervision ultimately.

Another post-release program which might have an impact on recidivism is to make loans available for released prisoners to tide them over the period when they are job seeking or trying to re-establish a home. The loans might be less necessary if prisoners who elect to work

during their incarceration were paid, instead of the 25 cents a day many of them now receive, a regular wage with the money being saved and given to them upon their release. One might attach an obligation of repayment, so that the fund could be replenished, or one might gradually reduce the obligation of repayment dependant upon the inmate maintaining and holding employment. Great Britain has a variation of this in that a released prisoner is eligible for unemployment insurance.

There are two obstacles to such a proposal in the U.S., namely that an unemployed person must have been previously employed by a firm which made contributions to the unemployment insurance fund, and there must have been a specific amount earned during the preceding year. Again, note that these impediments could be overcome for many prisoners if indeed they were paid a regular wage for their work while in prison.

Another project which could be entertained by states for released prisoners is the halfway house, a place where the released convict could receive board and shelter until he had relocated employment and a new residence in the community.

Discussion

MR. DAVENPORT: I found it rather interesting in the presentation to observe that the one non-lawyer on the panel raised a serious question about the kind of activities we lawyers have been engaging in over the last ten or twelve years, as we have allegedly expanded the rights of people. It seems that Mr. Dunbar was saying that we have been engaged in rather academic expansion of rights which have great importance to lawyers and very little importance to poor people.

I think the second speaker also talked in terms of a collective responsibility on the part of blacks and whites and liberal leadership to condemn crime and not to condone it and I wonder if we can draw a distinction between explaining why crime happens and its condemnation? In other words, to what extent must not only white leaders, but black leaders condemn crime from whatever sources it comes?

And finally, to Mr. Clark. In his presentation, particularly about the drug problem, he said that probably one of the more effective actions, and what China did, was to take the people out and shoot them. I wonder to what extent, in terms of drug pushers, that solution parallels the proposals of both Governor Rockefeller and President Nixon on the concept of capital punishment for drug pushers.

I only bring these observations up to kind of begin our discussion and the floor is now open for such questions as you might have.

Q.: I am Robert Woodson, NUL staff. The comment was made that poor people tend to use the courts more than other people do. I think this is true, but I think we have to understand that probably filing suits in courts is one of the primary means of influencing public policy. There are more possibilities of redress through courts than there are in talking with political leaders.

I think that there is a question here about the importance of the effectiveness of saturating black communities with police.

In Washington, D.C., when you had an increase in your police department and speedier trials, crime went down. And then you have Wilmington, Delaware, that was occupied for a year by the National Guard and crime continued to soar.

The question I have for the panel is what do you see as the role of minority communities in their own protection, given the fact that Kenneth Clark points out in a study that crime decreased in the black community during the time of the civil rights demonstrations?

MR. MORGAN: First, I have a judgment on a couple of things that you said. First thing is about the courts. I think that the courts, for a number of years, were a place where blacks could go. I think that will be over with inside of one of two deaths under the Nixon administration. I think that so much that I got out of the South to give up litigation to go into more political work in Washington.

Secondly, there have been some studies of violence in the black community. There was one in Cambridge, there are some others. I think that a reduction in crimes was a part of a side effect of the non-violent Christian movement. I say it just that way, because to me it came out of churches. It was primarily a religious movement. Its leaders were Doctor so and so and Reverend so and so, its freedom songs were hymns and the act of going into the streets was almost a rebirth in the Christian sense of baptism and these folks were then fighting against the white man, against the structure, against the status of life. It may very well be that a great amount of the crime in the black community is based in self-hatred. Now some of that seems to be moving against the whites, as I see it. But I think there was a great release in the civil rights movement for the aggressions that people who live in the slum areas would have to feel.

DR. DUNBAR: I'd just like to comment quickly on two things you said. One is about Washington. I think we must keep a couple of things always very clearly in mind, and one is that crime statistics are about the most unreliable statistics we can deal with. They are unreliably gathered and unreliably reported and are subject, as a matter of fact, to frequent manipulation.

I think in particular, whenever you find governmental reports saying that something has happened as the government predicted it was going to happen, you'd better wait a couple of years to see. And of course, the wall-to-wall cops in Washington is a very special program of the Nixon administration and I'm not saying it hasn't worked, but I'm saying that we ought to wait a year or two to make sure.

Secondly, on the question of black communities taking responsibility for their own law enforcement, I think we all ought to be aware of vigilantes. Community control of the police is a concept that I think we ought to be pretty slow to adopt.

There is a movement in this country though that is going largely unnoticed and that is the hiring of private cops, private police. Comparing the number of private cops with the number of public cops in New York City, the comparison comes out very interestingly indeed.

There are block associations hiring their police. You know retired police chiefs go to work for the department stores and all that kind of business.

I just think this is a movement that we ought to watch pretty carefully and very warily.

MR. CLARK: I took your question in a somewhat different vein. I think you meant we should have community police. I teach criminal law, and I'm constantly aware of what a very thin line or thin protection the justice system provides us with. Almost 60 to 70 percent of crimes which are committed go unsolved, and the ratio is probably higher in the black community because we don't report crime.

I also think that we have to understand that for persons who are highly motivated, like the drug addict, it is almost impossible for any kind of system of sanctions and potential arrests to deter that person. And too many of our young people, who aren't even addicts, are highly motivated to adopt the crime lifestyle. It's very glamorous. You've seen "Superfly," and it has a rebellious quality to it. It has a quality of being hip, has a quality of being parasitic, which again is something glorified to some extent, in the black community.

So that it seems to me that the way the black community will address the crime problem, especially amongst our young people, is to provide them with activities which to them have those same qualities. The only way to draw somebody out of something which they think is very exciting and gives them status amongst their peers is to provide some other kind of activity which gives them that same kind of status.

I think this is one of the really sorry things about the Black Panther party, because they had some of the style and techniques that would have been attractive to young blacks. You know, the black jackets, the kind of military front, the anger against whites. I think some of those things can be utilized to draw young black people into activity which is constructive in the community.

And that's what we have to think about. We have to think about what is the style that youngsters think is really smooth and how can we utilize that style and say let's work together.

Q.: Henry Talbert, staff from Los Angeles. I haven't heard much about civilian review boards lately. What is the thinking with regard to that now?

MR. MORGAN: Folks are still for civilian review boards, but they still don't get them. I never had too much faith in them, although we've been very involved in the movement for them. Leroy was talking about in the black community using those things of style and nerve and flash and that sort

of thing. One of the statements that Leroy made was the anti-white aspect of black youth. Well, of course, I subscribe to the theory that nothing good ever has come out of the use of race, however it works.

When we start thinking about institutions like review boards, the courts, the State court system, I certainly suggest we use them wherever we can. I spent ten years trying to get juries responsive. It's juries, to me, that mean more than judges because that's where you're going to get more liberty from.

MR. CLARK: I work with Chuck a lot in the South, but I'm not as pessimistic as he is about all this. I think that any organization that's interested in civilian review boards ought to at first try to generate a commission such as we had in New York, the Knapp Commission, to look at police functioning.

Now our civilian review board was voted down about three years ago here in New York. But it was at a time when the bulk of the whites in the community looked on the police force as "New York's Finest."

Now any black 15 year old kid in Harlem could have told them what the police were doing. But you are not credible when you try to tell that to the white community that looks at its police force as the thin line of protection.

So that strategically, I think the first step would be to push for an investigation of the police department much as we had here in New York.

Inevitably I say that you will get evidence much as we got here in New York where the Knapp Commission said 50 percent of our police force was involved in taking bribery of one form or another, and indeed fostering and supporting crime instead of trying to suppress it.

Secondly, I think if you push for a civilian review board, one of the key items is that the board should have an independent investigative arm. What has gutted many of the civilian review boards in the past is that they had to rely on the very police department for investigation that they were making charges against, and there's a kind of an *espirit de corps* which tends to make them suppress information that would make the policemen look bad.

But I do think that tactically that would be the way to go about it.

Q.: Alexander J. Allen, National Urban League staff: I just wanted to put a question in regard to the comment made by Charles Morgan. I believe he was quoting someone by the name of Kraft who suggested that police brutality was really not a major issue in the black community. It may be that it wasn't stated or it wasn't articulated, but I'm thinking about a number of experiences that indicate that this is a very serious thing. As the Kerner Commission pointed out, most of the riots started off because of some actual or believed act on the part of police.

I think too, looking at the present scene around this part of the country, many of us have been very much disturbed over the brutality of police against police. By that I mean the shooting down and killing of black policemen by white policiemen, on the assumption that black policemen with a gun, if they're in plain clothes, have to be the offender or the criminal.

I would suggest that brutality, in various forms, is still a very

serious thing, and that perhaps any survey that says it's not, may be questioned.

MR. MORGAN: That survey did not go into the question of whether or not it was serious. The Kraft survey went into volunteered responses from black ghetto dwellers in seven American cities, which included New York, and those surveys were not just run after riots. They were run beginning in '64 through '67 for the American Broadcasting Company and for the New York Times, and finally for Senator Ribicoff's Committee. They were not run by whites. On the volunteered responses—you know, what is the problem in the community—the ranking problem that they got was the problem of no police, not the problem of police brutality, it just says that the prime concern was the question of *no police at all.*

Q.: Bob Hill—NUL staff: I'd like to address this to Mr. Morgan. One of the areas that we know has had great impact in terms of employment or unemployment with respect to blacks is arrest records. You mentioned the extent to which State agencies and others use arrest records and the extent to which arrest records are bars to the employment of ex-offenders.

As we also know, the arrest record often doesn't contain the disposition. In other words, the person could have had a suspended sentence or been acquitted. Or it may contain the original arrest charge which was even reduced if the person were convicted. I'm wondering what are your views and maybe some of the other panelists in terms of the kind of stand that we might take in relationship to the accessibility of arrest records?

MR. MORGAN: Well I think that's correct, and I think you'll find substantial support even amongst conservatives for this.

Some policemen will say that the arrest record, because there is no disposition ordinarily on an arrest record of how the case came out, are useless. Secondly, they present a major storage problem. Thirdly, it's an FBI kind of a interest now and it has been taken away from them. Fourthly, as Les pointed out, we need more crime statistics . . . The person's individual record on any crime allegedly committed, after four months, should be automatically taken out of the computer.

But then you run into another problem, and that is the man who comes out of jail and has a criminal conviction record on him. Now that conviction record follows him all the way and there should be some period of time when that conviction record is expunged and employers are prohibited to rely upon the asking of the question even about conviction.

And some folks say six years, some say three. To me it doesn't matter anyway, but it's a major problem. About 13 states have some modification now on the use of prison records and arrest records. And in European countries, it's been abolished with nothing but good effects.

MR. DAVENPORT: I'd like to ask the panel a question. In my course in constitutional law at Duquesne when students come up to me kind of starry-eyed, wanting to challenge the establishment and thinking of themselves as sort of gunfighters for justice, I suggest that, for example, in the field of criminal law, that the most effective thing that they can do is to become prosecutors. With prosecutorial discretion you can administer

more justice than all of the suits filed against alleged police brutality. Comments?

MR. CLARK: Well, I have urged students to do that privately. I do think that there is fantastic potential for meting out justice when you're in the prosecutor's seat. He has more resources. He has a bigger investigative staff. He can determine the level of the charge.

The problem is that I think that given the political direction that the black community has gone in now, that it probably will not be responded to by very many students.

MR. MORGAN: I think it's essential to recognize that we have considerable experience with respect to poor standards of justice passed out by juries. Jurors are just people which is a great advantage they have over lawyers. You've got black folks getting the maximum penalty against whites, whites against blacks don't get anything. Now that standard of crime changes when you desegregate the jury—when blacks sit on the jury. Blacks sitting on the jury will ordinarily gives more damages to the black, they value a leg more than a white man would.

The second thing is when a black commits a crime, the sentence goes up or the conviction level goes up. Putting blacks into prosecutorial positions, I'm not at all certain wouldn't raise the lax prosecution that we have in the black community now.

A problem with that is any law student who goes into a prosecutor's office should also be told that there's a tendency for people who get on that side, as well as some defense lawyers, to think that everybody they see is a bum and a crook and they go through life that way. It's like a collection lawyer, he doesn't think anybody ever pays his debts. I think it is an important suggestion because it teaches people to get into a situation where they can try cases.

Now Leroy, I'm not at all pessimistic. I'm one of the last living folks to think we'll win, whatever that means. I really believe that.

But the important thing to me is for folks to get out of law school and learn how to try suits. Once they learn how to try a lawsuit, they walk differently, talk differently, they know a trade like a plumber. And remember this about the courts too. Somehow we have to remember that the courts traditionally have been a place to defend people who are in trouble and to defend political leadership, with juries to acquit. And we've got lots of experience going on all over this country now of juries saying no to this Administration, we're not gonna do it.

Q.: Jim Gilliam, a member of the Board of Trustees of the League: One of the issues raised for this panel was whether increasing the number of minority police officers, prison officials, court clerks, judges, etc. would significantly improve the quality of law enforcement for minority groups.

Before I ask the group to respond to this, I'd just like to give you the benefit very quickly of an experience that I've had over the past year with the Family Court in the State of Delaware. I was amazed to find out that bringing in minority persons at the decision-making level had a distinct bearing on the functioning of the court, certainly on the staff level.

It had a great deal to do with the kinds of relationships with detention facilities. It gave the court scene, so to speak, a kind of credibility that it didn't have before.

So the question I'd like to see you respond to is what can we do to see that more minority people are involved?

MR. CLARK: I'm a little suspicious of the simplistic notion that the increase of black policemen will mean in increase in justice for black people in the streets.

Because I think that you have got to understand that in a general way, the kind of person who's drawn to police work has a certain kind of personality.

I grew up in Harlem and my friends who went on the police force were the guys who were the toughs in the neighborhood who just didn't have a record.

And so I think that for instance, an organization like the Urban League might intervene in the training of policemen, both black and white so that they become sensitized to what their responsibilities should be in the community. I don't think we can assume that simply because that person happens to be black that he will then function differently from his white colleagues. Indeed he may go out of his way to prove to *them* that he's all right.

And there is some data around which indicates that sensitizing of techniques can indeed have some very good impact. For example in the 32nd Precinct, they took a team of officers so that there were always two to four officers at any given 24 hour period—who were detailed to intervene in family disputes. When one got a call like that, they were the only officers who went. They had gone through a training program of six months to sensitize them to what you do when you intervene in a family dispute.

Several things like when you come into a home, you take off your hat. A black and white policeman should go and if anybody has to restrain the man, it should be the black policeman who restrains the man, and not the white policeman. That is, you separate the parties and try to get a replay of what happened.

And a lot of things like that. They sensitized the white and black policeman to that environment.

By the way, that is the prime cause of police deaths, intervention in family disputes, not the Black Liberation Army. That's where most policemen get killed.

So in this precinct, over an eight month period, the deaths went down to zero and the assaults on policemen went down almost 70 or 80 percent. So in this situation alone, with some civilians coming in and running some training sessions with policemen, everybody experienced a safer situation. So I think that's what you need.

DR. DUNBAR: I think it's probably true that any occupation or most any occupation or profession attracts certain personalities, maybe even the law does. I don't know quite what you do with that. I already indicated in my remarks earlier that I think it is very important for the whole criminal justice system, from cops on the beat to judges, to reflect the population. I believe that.

I don't expect that any given black cop is necessarily going to be any more humane to the black people than any given white cop. He may be worse, for all I know. But I just think there's something basically wrong about a system where all the keepers are white and all the kept are something else, and that's what we have had. There were no black guards at Attica. Maybe one or two. Well after a lot of people got killed, you now have black guards up there. I don't know whether that's going to be any better for anybody or not.

Frankly, I think it at least opens up certain kinds of vistas that were not available before. I just cannot believe that guards at Attica will act quite the same way as guards at Attica acted before.

But I don't want to talk just about guards. I think the same thing would be true of judges on the bench, and certainly the same thing has been true of juries, especially in the South.

MR. MORGAN: The Equal Employment Opportunities Act in March of 1972, included State employment as one of the covered employments under Title 7, the Civil Rights Act of '64. Therefore, employment suits can now be brought against public entities. The first suit so brought was brought by the United States, the *United States versus Frazier* in Alabama. In that case, there was complete exclusion of blacks from almost any position in Alabama public employment. Judge Frank Johnson was the judge. He ruled that the Alabama Highway Patrol can employ no new officers until such time as the black percentage goes up to thirty. That is a place where a court remedy I think would come along regardless of who President Nixon appoints to the court.

Q.: Chuck Hamilton, NUL Trustee: I'm wondering if in an increasingly complex post-industrial society where we see the effects of unlimited discretion in so many levels in the administration of justice, whether or not it is time to think about limiting the kinds of discretion involved, understanding the real costs. I mean the trade-offs and what the costs could be for minorities as well?

MR. CLARK: Well I spoke about one area in which I think there is almost unlimited discretion and it has a very deleterious impact and that is in the parole system.

To date, parole boards, for example, don't even have to give a reason when they turn a man down for parole. It's just simply application denied. There are no standards to guide them in terms of who should be released.

For example, the parole board here in New York focuses much on the initial charge against the defendant. If, for example, he comes before them and is uncooperative in talking about this previous criminal activities or who his associates were in those criminal activities, he's apt to be denied.

The parole board will call the District Attorney as they did with one of the Harlem Six here in New York, and ask the District Attorney, who has had no contact with the defendant while he's in prison, what his disposition would be in terms of releasing this defendant.

There's no statute which authorizes them to do that. They simply have adopted that practice on their own. And lots of prisoners will tell you that it is right after that point when they've been denied parole and

nobody has really looked carefully at their behavior in prison, that they become very embittered. I do think that we ought to define what are the bases for release of prisoners.

Q.: Livingston Wingate—New York Urban League. I want to address my remarks to the panel with respect to the fact that there's some doubt about whether the black policeman would give a better grade of justice to a black community than a white. And I don't have much doubts that he does.

But blacks don't want to move into many aspects of the criminal justice because they see themselves as a product of protecting the system that's set up against black people, and black youngsters don't want to go into it, and I think it's a great fallacy.

Now the question is what we do about it? I don't know. Black youngsters, the hardcore and many of the other types of black youngsters, won't deal with the criminal justice system, particularly police departments. But I think a question presented to us is to push blacks into the criminal justice system, particularly police departments. But how to do it is a great question.

MR. MORGAN: Well, I want to add one thing to that. I don't know about the North, but in the South, a great source of employment are those public agencies from which blacks have been excluded, where people can get jobs that are pretty good jobs. Not just the policeman on the beat, but the secretary in the office, the person who's working as the bailiff. This also has an effect on whites because white folks talk differently when a black person is there. So do blacks talk differently when there's a white man around. It just limits speech and thought patterns and is probably better for everybody.

Now as far as the rest is concerned, how do you get in it? I don't know. As I say, the whole system of justice from the day that the sheriff went out to bring back the runaway slave in the South was geared to the repression of blacks and that's been the black experience in criminal justice. We just have to change that, that's all. I don't know how, other than what we're doing.

Q.: Jeanne Spurlock: Member of the NUL board. I see a need to call to your attention another kind of institutionalization in our concern about law and justice, and I would direct this question to any or all of the panelists. What are we going to do about law and justice in relation to the adjudication of the poor and the disadvantaged as being mentally ill and/or in the advent of the closing of many State hospitals and the treatment of people in the community? There is an increase in welfare rolls and an increase in arrest records because of the deviant behavior of some of these individuals.

DR. DUNBAR: There's a lot more to be said on that question than I'm competent to say, but I'd just like to make a couple of remarks. One is that I think Dr. Spurlock has touched on a problem as important as any we've dealt with today. The population being incarcerated in hospitals. It's a bigger number of people confined, with less regard for due process.

Secondly, I think we have a situation developing which is a test, a real test of the American court system and other institutions. The basic case coming out of Alabama with the decree of Judge Johnson that says Alabama must provide something called "right to treatment."

If the State presumes to hold a person, deprive a person of liberty, it must give that person treatment, adequate treatment. That's fine, and I think it's an important principle of law to have won. The real problem is going to be when you face how a court can order a legislature or order a government to provide the resources that make treatment possible.

Q.: Wendell Freeland: NUL trustee. I am reminded that this panel is really supposed to address itself to what we are doing at the League, how do we touch these things? Do we merely continue with the projects we have, do we try to get into other things, do we monitor the system? What does the League do in this general area?

MR. MORGAN: You mentioned monitor last, but I think it's just so terribly important to monitor, for instance, court orders. We have seven states under court order with respect to the desegregation of penal facilities. Now is that being enforced? Well we're now in the process of systematically going about finding out whether or not those penal facilities have abided by the court order. The same is true with 40 jury systems in the South that I have under court orders in cases that I've been on. And it takes a massive amount of manpower just to go back and check that sort of thing, and that's a major source of day to day work. It has to be done.

MR. CLARK: I think it's absolutely crucial for the Urban League to be involved in the reform of the criminal justice mechanism, for a couple of reasons. First, is the League has an image in the community for being somewhat removed, somewhat middle class, somewhat corporate oriented, and I think that one of the ways to counter that image is to deal with a portion of the black community which is most disadvantaged, which is the least powerful, etc.

Secondly, I think that there are a lot of indirect consequences of the black community being identified as the source of crime which works against your capacity to do a lot of other things. You can't get money from foundations. Nixon can come into office and essentially blame all the domestic problems in the country on the black community. And so I think that some organizations in the black community are going to have to intervene in that system and begin to give our young people some alternatives.

Q.: Mahlon Puryear, national staff. It is one thing to make suggestions for the Urban League, but in view of the fact that the coalitions are not there, that we have to get the money from the people who have the power, would the panel make some suggestions to us, and inform us who it is on the other side with whom we must work so we would not be put in the position of having the least power, the least resources, but having the responsibility for bringing about change?

DR. DUNBAR: I just don't know the answer to that one. There's no answer to that, that I know of. You have resources depending upon the amount of

power that you have and you can organize your power to acquire more resources and that's about the only answer I can give .

MR. MORGAN: I think Les' answer is pretty close. Whenever I get confused on what you're supposed to do, I just go back to what the Reconstruction set out to do. There were instruments of government power and one other instrument. One of them was the jury system and of course, the administration of justice, and that's the first thing they attacked. The second one was the vote, the other was 40 acres and a mule. Now I'm involved in the first two, you know, far more than the latter.

But I do know that there are pretty simple answers to lots of questions p .d with respect to the comments made immediately preceding. I think you should have folks in a monitoring process in police department employment and on up the line. These are the kinds of things that are not glamorous to foundations.

But the central issue is still the issue we've had all along and that is you don't get something for nothing. The squeaking wheel gets the grease and you get it from power and the exercise of power, and that's where it is.

MR. CLARK: Well, I think that the Urban League could be effective in getting resources to carry out some of the programs that I suggested, for instance, alternatives to incarceration; if you had a selling job which showed the general public that it was cheaper to function the way you were suggesting.

It costs ten thousand dollars a year to house the average prisoner. If you could show that a Halfway House could cut that in half by early release and that your rehabilitation potential was greater, that the recidivism went down, that would be salable. I think that your strategy has to be to translate to the general public and certainly to the foundation world that the mechanisms that have been used in the criminal justice area are very costly and that you can run programs which have some tax fallout. Don't talk about the fact that, young black kids are going to be saved because they really don't care about that. You tell them that their tax money is going to be saved and I think you got yourself some salable programs.

MR. DAVENPORT: I believe that the thrust of what the speakers are saying and some of the comments that have been made is that all of us are like children with toy shovels. We're all digging at a very large mountain. But if all of us, with our very small shovels, with all of our very great frustrations, continue to dig at that mountain, that mountain shall be moved.

I want to thank the panel for its outstanding work this afternoon, its papers, its comments, its thoughts and its ideas. On behalf of the National Urban League, may I say to all of you our best wishes for your continued outstanding service to all of humanity, because that's really what we are about.

SESSION III

THE POLITICAL PROCESS—OLD MYTHS AND NEW REALITIES

Discussants:

CHARLES V. HAMILTON
Professor of Political Science
Columbia University
and
Visiting Scholar: 1972-73
Russell Sage Foundation

RICHARD M. SCAMMON
Director
Elections Research Center

SAMUEL DuBOIS COOK
Professor of Political Science
Duke University

Moderator:

WENDELL G. FREELAND
NUL Senior Vice President
Member
Lichtenstein & Bartiromo, Attorneys-at-Law

FULL EMPLOYMENT AS A VIABLE ISSUE

by Charles V. Hamilton

This document will deal with issues (C)[1] (D)[2] and (E)[3] of Vernon Jordan's "Issues for Discussion."

(c) In many urban areas, there will be an increasing trend toward "metropolitanism." This trend will take many forms, but the critical point is that minority groups (especially blacks) should not be put in a position of objecting to the "principle" of metropolitanism. Instead, serious attention should be paid to what types of *functions* should be performed at what *levels* of government. Metropolitan government can be useful for certain purposes; it can be dysfunctional for other purposes. I am impressed by a frequently overlooked document that I feel has reasonably good insight into this issue. (See *Decentralization: A Conceptual Analysis*, National Advisory Council to the O.E.O., December, 1968).

Minority groups should emphasize that *efficiency* is not the only goal of governmental operation; *legitimacy* is an equally important goal. (Alan Altshuler's book, *Community Control*, makes this point most effectively.)

Minority groups have (or should have, at any rate) as much interest in viable public administration as any other groups. But all too frequently it is assumed that minority interests are one-dimensional, that is, totally for or totally against a particular plan.

In addition, where it is determined that consolidation is a good thing for some specified purposes, careful attention should be paid to the *form* of representation at the metropolitan level.

Another point of critical importance when studying the impact of metropolitanism is the formula for allocation of resources at sub-metropolitan levels. Tax revenues, for instance, should be allocated on the basis of clearly discernible *need*, not necessarily on a per capita basis.

1. Will recent trends toward structural change (i.e. merger and consolidation of cities and counties, proliferation of special districts) significantly detract from the political power (potential or actual) of minority groups. If so, what power-retaining options are available?

2. Max Lerner has suggested that there are three kinds of political action: coalition of alliance politics, balance of power politics (as practiced by the Liberal Party in New York City), and independent political action. Which of these alternatives, in your opinion, has the highest payoff potential for minority groups, and what critical elements are needed to conduct the most successful political action in the desired category.

3. Does protest increase political power, decrease it, or have no significant effect upon it? What role should protest play in the political strategies formulated by minority groups?

(b) It is quite clear that (at the national level at least) when black Americans vote they will be (for the most part) in the Democratic Party column. Any strategy to change this will probably be low-yield. This means, I suspect, that far more effort than has been thus far expended should be put at the precinct (local election district) levels to capture party positions in *that* (Democratic) party. This should be done in those carefully selected states where blacks can make an impact on the political party selection process: (New York, New Jersey, Pennsylvania, Ohio, Michigan, Illinois, California, Missouri, Indiana and a few other states where *potential* registration shows likely positive results.)

I am aware of the strategy that suggests that blacks should try to get within both major parties. I think this is not realistic *vis-a-vis* the Republican Party in the near future. The trend in that party is clearly away from attempts to attract sizeable number of black voters.

The first implication is that "independent political action" in the form of a separate, distinct political party is not advisable. (The resources in terms of manpower and money are simply not available on a broad enough scale to make an impact. In addition, blacks already have invested rather substantial energy in gaining potentially valuable positions in the Democratic party—locally and nationally—and it simply would not be useful to attempt to overlook that investment: (black Democratic congressional representatives; local party leaders, etc.) In other words, we are not starting *de novo*.

The isolated rewards gained from an "independent political action" strategy usually amount only to winning office, not to gaining an effective base of sustained power *within* the decision-making structure. The latter, it seems to me, comes with party organization, seniority, political credits, etc. (Here, of course, I am talking mainly about election to legislative-type positions.) My point is that electoral politics should point towards gaining and maintaining positions that ultimately can lead to more than sporadic office-holding. This means not only winning office, but gaining influence in large, on-going "office winning" structures, i.e., one of the major political parties—and *especially* in the primary elections.

A "balance-of-power" strategy relies very heavily on the division of ranks of other groups. Thus, from time to time, the New York Liberal Party *can* influence choices. But it is significant that Lindsay left that party for the Democrats, likewise, with a Harlem councilman, Charles Taylor, last year.

Those who advocate "independent political action" all too frequently fail to connect up the intimate relationship of governance and party structure.

Another implication of this is that there can be no more important long-term effort than one aimed at maximizing voter-registration and turnout. I am familiar with Penn Kimball's recent book, *The Disconnected*. He is not too sanguine that voter-registration drives are worth the effort. In one part of his book, he writes:

> The cost-benefit ratio of a campaign to sign up unregistered voters has time and again turned out to be unfavorable. The impression often left is one of a frus-

> trating race on a treadmill. The combination of institutional barriers and psychological handicaps is usually too much for the marginal participator in the political process. The effort to surmount the obstacles merely through the employment of more organization, more communication, or more financial backing has continually proved to be disappointing. . .
>
> That is why it is so important to attack the disease rather than the symptoms. And the problem most susceptible to immediate change would appear to be the legal apparatus presently enveloping the registration and voting process in the United States. In the short run, the challenge is to focus judicial attention on the very real inhibitions contained in many of our regulations. Beyond that is the need for state legislatures to overhaul the registration and voting machinery so as to encourage, not thwart, the potential elector. In the long run, a fundamental and drastic revision of the national election system may be in order. (p. 293)

Kimball advocates some form of "universal voter enrollment," which is fine, but insufficient. First, as a recent study (*The Shameful Blight*, 1972) and my own book, *The Bench and the Ballot* (1973) indicate, one of the critical problems is economic intimidation. Many blacks, especially in the rural South, still do not vote because they fear they will lose their jobs if they do. In such places, the judicial machinery has been difficult to use as a mechanism for protection: the problem of proof is an enormous one. Employment security (unions, probably) is essential.

Another point overlooked by Kimball is that voter-*registration* must coincide with voter-*education*, and here is where local, indigenous organizations are critically important. The vote must not only be enrolled, it must be mobilized and intelligently used. Now, philanthropic agencies might not look kindly on this; they might see it as too partisan. But that simply means that other resources might have to be found to do the job. I frankly think there is a point beyond which one can bring about effective *political* change through "tax-free" grants (with all due respect to N.U.L.)

In short, I think Kimball's comments are well-meant, but too a-political for our purposes.

The Issue of Protest

(E) On the issue of protest, it is almost simplistic to conclude (but nonetheless important enough to point out again) that the political environment of the 1960s which lent itself to positive protest action is not existent today. Much of the protest action in the last decades was crisis-oriented. M.L. King pointed this out quite well in his book, *Where Do We Go From Here: Chaos or Community?* He stated:

> Many civil rights organizations were born as specialists in agitation and dramatic projects; they attracted massive sympathy and support; but they did not assemble

and unify the support for new stages of struggle. The effect on their allies reflected their basic practices. Support waxed and waned, and people became conditioned to action in crises but inaction from day to day. We unconsciously patterned a crisis policy and program, and summoned support not for daily commitment but for explosive events alone.

Recognizing that no army can mobilize and demobilize and remain a fighting unit, we will have to build far-flung, workmanlike and experienced organizations in the future if the legislation we create and the agreements we forge are to be ably and zealously superintended. Moreover, to move to higher levels of progress we will have to emerge from crises with more than agreements and laws. We shall have to have people tied together in a long-term relationship instead of evanescent enthusiasts who lose their experience, spirit and unity because they have no mechanism that directs them to new tasks.

I think this is a good summary of the promises and pitfalls of a politics of protest.

I would think, and I would conclude on this note, that it would be very important quite clearly, for what has come to be called the traditional civil rights movement to think in terms of mobilizing to achieve a major target of breakthrough much like the ending of *de jure* desegregation in the schools or in public accommodations or gaining passage of the Voting Rights Act of '65. I see such a viable issue as full employment.

There should be combined effort to initiate and vigorously push for a *Full Employment Bill*. This goal could become the new major focus of the human rights struggle in the early 1970s. It has all the ingredients.

1) The need for full employment is blatantly apparent. The unemployment and underemployment rates among critically volatile segments of our society are at crises proportions (young blacks, Vietnam veterans, increasingly frustrated *white college* students).

2) It would open up a most important discussion: Can this society, in fact, employ all those able and willing to work? There was a most important article in the *New York Times*, December 10, 1972 (p. 14) by Professor Juanita M. Kreps entitled, "Facing up to the Unemployment Problem." She said:

> For the United States, a 1960 analysis by Paul Samuelson and Robert Solow estimated that an annual price rise of about 4½ percent would likely accompany the maintenance of a 97 percent employment rate. Subsequently, others have thought the price rise would be as high as 5½ percent with 3 percent unemployment; or that stable prices and a productivity and wage increase of 2½ percent would be accompanied by substantial unemployment—up to 8½ percent.
>
> Although estimates of the precise ratio vary, there

is clear agreement that some tradeoff exists; *full employment and wage-price stability seem not be compatible.* (Underlines added).

This issue must be joined.

3) It would, hopefully, defuse one of President Nixon's most effective code phrases: "welfare."

4) It applies to the *total* society, not only to blacks and other traditionally stigmatized minorities, who are seen as wanting only hand-outs. It would, in other words, recognize the critical factor of race and racism, but it offers a "deracialized" solution.

5) It rises above the devastatingly divisive ideological debates now wracking the traditional civil rights circles. It would permit viable coalitions across many lines: integrationists, nationalists, whites, blacks, etc.

6) It would provide a clear, identifiable target. That is, people could be mobilized around this issue, and the results cannot be finessed away.

7) It would provide opportunity for long-term mobilization and division of labor. Those people wanting to "march" could mobilize protests on their congressional representatives' offices, etc.

8) It would permit the development of multiple strategies: employment in the private sector; employment in the public sector; migration-incentive strategies to move to less labor concentrated areas; manpower training directly connected to guaranteed employment.

I strongly urge consideration of this goal of a Full Employment Bill.

POLITICAL ALLIANCES ARE NECESSARY

by Richard M. Scammon

We want to talk this morning about the political process, how particularly it affects minority groups and more especially black minority groups. I wouldn't want this morning to talk about old myths and new realities any more than I would talk about old realities and new myths. Let's just try to talk about politics. Sometimes I find the hardest thing in discussing politics with anyone is to convince them that one and one is two and not 287,1124.9, or a ticket in the OTB that guarantees you a winner.

Basically, the nature of politics is controlled by the character of the electorate, and the character of the electorate in America in terms of the things that we're concerned with this morning is essentially white, 90 percent white. Maybe a little more, as a matter of fact, because of the relatively low turn-out in the black community in primary elections, in general elections, North, South, whenever it may be. But it is basically a white electorate as in Belfast it is basically a Protestant electorate, and the facts which this poses for us in a democracy are very real.

Secondly, for any electorate the business of politics is the business of choice. A very sound point was made by Professor Cook when he pointed out that in the decision-making process in America, elections play only one role, and it may not be a major role. Elections can determine who achieves office, but very infrequently do they really determine policy or particularly policy change.

Very few people I am sure who voted for Mr. Nixon in 1968 expected he would go to Peking and to Moscow. Policy changes are the result of a number of other additional extra electoral forces and pressures. But they do start with the electoral process itself, with the choice that voters make.

This choice in American politics, operating as we do under a majority rather than a proportional system, often follows the well-observed limits of Thurber's rule which is taken from the cartoonist, James Thurber, who was once asked, "How is your wife?" and replied, "Compared to what?" The basis of politics as compared to what? Your chairman has said he voted for Mr. Nixon in 1960, as did the majority of blacks in Atlanta, Georgia, because "compared to what?"

As the black community of Atlanta, Georgia, in 1960 saw the election, it was a choice between a white racist majority in the Democratic party, and Mr. Nixon, and Mr. Nixon carried those black areas in the city

of Atlanta. In the city of Baltimore in 1966, the black community voted overwhelmingly for Spiro Agnew for governor of the State of Maryland. Why? Because the alternate with which they were faced was the Democratic candidate, Mr. George P. Mahoney, who had been trumpeting anti-open housing as his principal offering to the voters of the State of Maryland. Whether the black community in Baltimore would make that choice in other circumstances, I don't know, but in any event, the issue is: "compared to what?" In this last election, for example, the black minority voted in almost its total majority for Mr. McGovern. But Mr. McGovern in many ways, to paraphrase the Godfather, was a choice which the American people could refuse, and did. This is the problem of any minority group which is concerned with trying to win support amongst an American electorate today, whether that group be concerned, as perhaps the Roman Catholic minority might be with school aid and abortion, or the Indian minority with the renegotiation of treaties, or whatever the minority might be.

One problem for minorities is that the average American is not an ideologue in his politics, he tends to be highly pragmatic and highly personal and highly parochial. And the number of Americans who having finished their dinner last night pushed away the dinner dishes and spent the evening talking about revenue sharing, was extremely limited, unless the revenue sharing was how much mamma and papa were going to take out of the pot for the following week. Most Americans are concerned with much more immediate questions: personal health, for example. What are the kids doing tonight? Am I going to get promoted on the job, the bowling score, things of this sort. Maybe they ought to be more concerned, but majority and minority, white and black, Jew and Gentile, whatever it may be, the span of attention for political things amongst Americans is not enormous.

Now that doesn't mean that the electorate is composed of sort of political slobs who have no capacity and no understanding and no talent. They make decisions when they're asked to, and they sometimes make rather sophisticated ones. But they do not make them on the basis of a continuing, 100 percent political commitment.

What, then, under these circumstances, becomes the appropriate role of a minority seeking in political process to achieve its aims? I'd say first of all the recognition of a sound rule of politics that when you win, you get more goodies than when you lose. Whether these goodies are public benefits, the phrase Sam used which is a very nice one, whether they are jobs, whether they are ideological commitments, whatever it may be, winners get more than losers. This means that for any minority, politics is necessarily an alliance process. Now it can be independent political action aimed at producing results of an alliance, it can be a direct alliance, it can be a balance of power alignment, anything of this sort. But if it comes straightout to be a straight vote with white voting white, and black voting black, blacks will lose. If it comes to a straight vote of Protestant versus Roman Catholics versus Jew, the Protestants win.

Any time the issue can be made purely this, there are difficulties obviously for any minority group not prepared to reach for the gun. I say

this because having spent time in the past month in Belfast, you can see the results of a politics of this type. This is why when a man like Joe Rauh down in Washington, a most respected liberal leader, sends around a letter to the liberal community as he did a year or so ago, saying that he has viewed the liberal candidates for the Democratic nomination and he has tested their liberalism against the date upon which they projected their views against the Vietnam war and that Mr. McGovern comes out on top as the most liberal; this is *prima facie* evidence that Mr. McGovern should not be nominated. Because having a group of five liberals and nominating the most liberal is almost certainly an alliance system guaranteeing that you are going to lose, if you are concerned primarily with the winners, losers syndrome.

If you see the electoral process as primarily an educational device, as Mr. Norman Thomas saw it in the 30 or 40 years of his political career, then it doesn't make a great deal of difference whether you win or lose. What you are really aiming at is moving the whole of the political process along the lines you feel are most fortuitous. You will lose in the actual counting of ballots, but if you can provide, as Norman Thomas did, almost the whole intellectual and philosophical underpinning of a New Deal, you may, in fact, have won.

Your problem, however, if you are concerned with winning elections is that the goals that you seek cannot have the counter-productive effect of turning off the majority. This doesn't mean the majority has to agree with you, but it means that the majority cannot find in you purposes which it feels it must oppose.

Busing Not Mentioned

I was intrigued this morning that neither of my colleagues in mentioning the political process and politics in America used the word busing once. And yet for the white community in so many parts of America compulsory school busing to achieve racial balance is the totem of their opposition to the demands of the black minority. This is the thing on which it turns, not welfare, not jobs, but school busing. This is why a man like George Wallace can go into a state like Michigan and in a primary election poll over half the votes and actually poll ten percentage points more in Michigan than he could get in Florida. I think one of the most tragic things I read during the whole of this campaign was the blithe-spirited assumption by McGovernites that the Wallace people were going to vote for them because everyone was alienated. The fact is that there are a thousand kinds of alienation, and the kinds of alienation which exist because of economic condition may or may not be as important as those that exist because of social alienation.

But besides the alliances which are an important part of any politics, and besides what I would call the non-electoral role which is an equally important function for any minority group, there is even a larger circumstance which I know may sound corny but perhaps on a Sunday morning ought to be developed. And that is simply the sense of equity, a sense of many people wanting to be fair. I think most of the support, for example, for the Indian movement that comes in America doesn't come

because of a sense of economic gain or loss. It comes because of a sense of equity. It may have been built up from seeing too many John Wayne movies, but at least it's a sense of equity and it's an important part of the role that any minority plays in seeking public support. There's no question, for example, that for American Judaism the sense of equity developed out of the holocaust years of the Hitler regime. It still plays an important part in almost any kind of political effort by the Jewish community to persuade the much larger non-Jewish community to accept its political views domestically or internationally. But when you put all of these together, I would like to emphasize again only a small part of the decision-making of a society, any society, comes out of the election itself. A great deal more comes from the play of influence, protest, pressure, equity. All of these things work, and they work upon the executive, and they work upon the legislature, and interestingly enough, they work upon the judiciary as well. And the gradual movement of judicial decisions in this country over the years is as much, I think, the product of this kind of non-electoral reality of politics as it is in the myth that elections decide everything.

I think that in that kind of work, organizations like this and like other pressure groups, whatever they may be, women's suffrage, prohibition, if you want to go back 50 years in American political history, minority groups today, pro and anti-abortion, whatever it may be; in this sense of equity there is a real possibility for developing outside the electoral process profitable and lucrative results for political pressures.

THE POLITICAL PROCESS AND BLACK LIBERATION

by Samuel DuBois Cook

In order to achieve the full dimensions of selfhood in terms of both citizenship and humanity as well as to achieve liberation, black Americans must become intensely, comprehensively, sophisticatedly, and continually political. They must think and act in the context of political things and actors. Involved is the classical notion of politics—as a way of life, a way of culture and history, a process of social change, and stability and a necessary means to black liberation. Blacks may not agree with Aristotle and St. Thomas that man is by nature a political animal, but wisdom and pragmatic necessity affirm the proposition that, by the dictates of history, experience, and aspiration, black men and women must become political animals, deeply involved in the political process and structure. For the political system is the center, source, and agency of commanding power, influence, symbolic meaning, and decision-making. That is where much of the "action is" and is destined to be, with all its awesome consequences, through action and inaction, for all Americans.

In terms of heightened civic consciousness, unity, leadership, grassroots organization, issues, socialization, participation, involvement of the whole web of black institutions, the mechanics of power, vision, the identification, formulation, and clarification of issues, and commitment to institutional change and creative and innovative public policy, it is necessary for the black man to become political man, *homo politicus*.

The black man, therefore, must become, through and through, politically conscious, active, and sophisticated day-in and day-out. It is imperative that politics become an integral part of his daily life and thought, habits, world-view, actions, and reactions.

Of special significance is the need to reverse the historic pattern of black political life—that of being an object and creature of political action, an object of manipulation, exploitation, and control. The black man must become the subject of civic and political action, the source and carriers of issues, significant political agents who take the initiative, define the terms of public discourse and debate, formulate alternative courses of public action, assume the vital role of power-shapers, policy-movers, and determinants of the direction of public policy.

The political process is a primary, if not the most significant, key to black liberation. Just as the political system has been—and continues to be—a major instrument for black oppression, manipulation, control, and

exploitation, it can be a basic and perennial mechanism of black emancipation, growth, development, and existential fulfillment. It is imperative that the civil rights movement of the 1960s be translated into the political movement for black liberation, emphasizing central issue-oriented activities and public policy processes and values, of the 1970s. Politics is an inclusive activity; it is a virtually universal aspect of human community.

The efficacy of the political system is clear. In a brutish way, history teaches blacks, almost intuitively and to the point of boredom and despair, the power of the political process—how it limits the range and variety of choices or options, legitimizes *this* but not *that*, affects the quality of personal and collective growth, distributes benefits and burdens, and determines the content and mode of so much of human experience and destiny. With vigor, persistence, leadership, and the utilization of vast resources, the political system has been used to exclude, demean, oppress, and dehumanize blacks, and rob them of dignity and selfhood. Inherent in the same structure of institutions and processes are the potential and resources for equality and social justice. In intrinsic terms, political power is ethnically neutral. Beyond liberation, blacks will be able to discover the ultimate dignity, nobility, and beauty of public life.

The Nature of Politics

Politics, shorn of its non-essentials, is a struggle for power and for the values associated with, and derived from, the possession of power. Politics, said Max Weber, "means striving to share power or striving to influence the distribution of power, either among states or among groups within a state.[1]". Political institutions and activities are, essentially, power relations. Power is the ability to get things done, to influence others, to create the desired consequences or conditions. It is the capacity to manipulate and control the world of men as well as the realm of nature in accordance with one's interests and desires.

"Political power is social power focused on the state. It involves control of other men for the purpose of influencing the behavior of the state, its legislative, administrative and judicial activities.[2]" Political power determines the authoritative allocation or distribution of public benefits. It involves public decision-making in terms of form and substance, personnel and policy, input and output, privileges and privations, punishment and reward, protection and exploitation, enrichment and impoverishment. Accordingly, the stakes of politics are indeed high and precious. The political system determines who gets what, when, and how. The fruits of political power are many and varied. Public services-from physical protection to street lighting, sewage and garbage disposal, taxation, opportunities for education, enjoyment, employment and other life chances, and related bread-and-butter decisions—are largely political matters. Ultimately, politics has profound bearing on the quality and destiny of human life and culture.

The political system and the people who manage its operations have

1. Max Weber, "Politics as a Vocation," *From Max Weber: Essays in Sociology*, H. H. Gerth and C. Wright Mills, eds. and trans., Galaxy ed. (New York, 1958), p. 78.

2. Franz Neumann, *The Democratic and the Authoritarian State* (Glencoe, 1957), p. 3.

great responsibilities for public service. Conflict and disagreement, owing both to human nature and to the scarcity of goods or objects of satisfaction, are an inherent part of the human scene. Politics is peculiarly the arena of conflict, tension, clash, and competitive pursuit for the satisfaction of desires and the achievement of advantage and privilege. It is an eternal battleground of pressure and counter-pressure, demand and counter-demand, pushing and shoving.

As Miller asserts,

> Politics . . . is about disagreement or conflict; and political activity is that which is intended to bring about or resist change in the face of possible resistance . . . Political activity . . . arises out of disagreement, and it is concerned with the use of government to resolve conflict in the direction of change or in the prevention of change. It is about policy and position.[3]

Conflict is at the heart of politics. Herein lies perhaps the most creative power and responsibility of political life. Politics is concerned with the adjustment, regulation, accommodation, management, and resolution of conflict growing out of competitive desires, needs, interests, and preferences. It has been well said that "politics is the most inclusive process by which social conflict is regulated in a community.[4] The quality of the political system and the character of political leaders are best determined by how they deal with conflict. The response of the political system to the stubborn reality, power, and persistence of conflict discloses its viability, character and worth. A political system is creative or destructive in accordance with the pattern and quality of its response to the basic problems and dimensions of human conflict.

In the quest for black liberation, the primacy of politics is essential. Politics has much to do with other institutions and processes of culture—the economic order, education, the administration of justice, housing, public services, and the thorny, complex, and explosive issues of discrimination, segregation, desegregation, and integration. Political power can be used to increase economic, educational, military, religious, social, and other forms of power. (The converse of this proposition is, of course, also true).

From a variety of perspectives, many people are disturbed by the high incidence of non-political participation not only on the electoral level by blacks, but also by the poor in general, and, for the most part, persons of low social, economic, and educational status. The reason, I think, is not far to seek. The main reason, sanctioned and bolstered by tradition, is the feeling of the irrelevance and meaninglessness (in a positive sense) of the political process and the powerlessness of the poor and disinherited to affect the political system. Alienation and lack of confidence in the political system are central to non-voting. If individuals and groups feel that they have nothing to vote for and nothing profound and clearly identifiable to vote against, they are not inclined to use the ballot. Participation for what? Go to the polls for what? Meaningful participation

3. J. D. B. Miller, *The Nature of Politics* (Chicago, 1964), pp. 14, 16.

4. Dan Nimmo and Thomas D. Ungs, *American Political Patterns: Conflict and Consensus* (Boston, 1967), p. 11.

must be rooted in purpose and the conviction that participation makes a difference in the content, quality, and form of experience, the outcome of political struggles, the distribution of the benefits, rewards, and deprivations of the political system.

Hence increased political participation on the part of blacks and other disabled groups entails a measure of demonstration that their participation makes a difference in the authoritative allocation of public benefits and rewards, that there is a payoff for political involvement, that politics is related vitally to the bread-and-butter issues and interests of their lives. Men do not participate in the political system for abstract and remote reasons—divorced from their concrete and existential choices and experiences and expectations.

Black liberation by means of the political process involves the following minimal essentials:

1. A total view of the political process and system, an inclusive rather than a restricted conception of political life. Blacks must become involved in political activity in the totality of public life on a continuous, all-season, year-round basis. Blacks have tended to identify the political order with electoral politics—registration, voter education, electioneering, and voting. But that is one aspect of the political system—and not necessarily or at least always the most significant dimension. The identification of the political system with the electoral process is a narrow view of political reality. Wherever public decisions are made, administered, and implemented, political activity is present. The political process is coterminous with the vast and infinite realm of decision-making in governmental policy and life. Unless blacks have continuous access to this whole arena, they are not vital participants in the political process, and will not reap the benefits thereof. Administration is as important as legislation. Enforcement is as vital as enactment. Implementation is as significant as adjudication. Let's not confuse the island with the vast sea.

2. Avoidance of a monistic strategy or monistic set of tactics in a pluralistic political universe. To be realistic, tactics must be multi-dimensional, responding to the brute and stubborn objective situation. The variability of tactics goes hand-in-hand with the variability of political phenomena—and so must the complexity. For example, coalitions, independent politics, and balances of power are not mutually exclusive but may be mutually supporting. All three may be pursued by blacks at the same time—just in different places, on different issues, or on different levels of experience.

3. Black politics must become more issue-oriented and blacks must take the political initiative. It is essential to act instead of simply react and anticipate possibilities and developments.

4. Politics and protest are not mutually exclusive. Politics is—as the history of minor parties and various pressure groups demonstrates—a significant form of protest against the *status quo*. Indeed, protest and affirmation are two sides of the same coin. One cannot protest *this* without affirming *that* and *vice versa*.

5. Avoidance of co-optation, escapism or "copping-out," marriage to any political party, faction, or interest group. Moreover, we must avoid frag-

mentation, political fraticide, petty jealousies and self-defeating rivalries.

6. Avoid narrow and self-serving definitions of black unity. Often the call for black unity is a disguised form of authoritarianism and self-serving advocacy and manipulation. Unite on whose terms and by what criteria and for what purpose? The unity that liberates must have deep and authentic roots. Essential is unity without deadening uniformity—unity that grows out of and builds on diversity. It must be creative, not destructive unity.

7. Black Power, properly defined and elaborated, is necessary but insufficient to black liberation. Meaningful alliances with whites, based on rational self-interest as well as humanism and idealism, are vital and an urgent necessity.

8. Separatism, beyond a temporary strategy, cultural necessity, and narrow range of substantive experiences, is self-defeating.

9. Black nationalism and Pan-Africanism are suggestive and can be forces of change. They can be cathartic. They can facilitate a sense of community and solidarity. But they are not programs and policies. They are not effective guides to action. They are not maps to a better society.

10. Neither black capitalism nor black socialism is a realistic and viable or promising basis of social action and public policy.

11. A certain measure, kind, and level of black independence from the white power structure is essential to the full development of black political consciousness and realization of the higher possibilities of political life, but, carried to the extreme, it is self-defeating.

12. Revival, in some form and degree, of the famous civil rights coalition, which produced a decade of landmark legislation, is an urgent moral necessity and political imperative. The form of course must be different from that of the 1960s.

13. Special effort should be made to develop a coalition of oppressed minorities—blacks, American Indians, Puerto Ricans, Chicanos, Asiatic Americans, and poor whites. Perhaps some women liberationists and young people would also be promising recruits and reliable allies.

14. Neither revolution nor evolution is a practical possibility or alternative. Apart from the moral issue, violence simply would not work. It would be not only counterproductive but suicidal. Evolution is not a viable option because time is running out. This country simply does not have much time. It is later, much later, than we think. Conscious, massive, and fundamental modifications of the *status quo* are necessary.

Systemic Changes Needed

We need systemic changes—changes in the distribution of power—not mere incremental and piecemeal changes. Liberation and freedom mean, among other things, effective power in the hands of the affected.

Desperate need notwithstanding, the possibility and probability of significant social change *via* the political system are remote. The objective situation is not reassuring. This is a pity, a source of deep sadness, a troubling thought.

The mood of the country is nasty, mean, conservative, and even

reactionary. Insensitivity reigns supreme. Code words like "busing," "neighborhood schools," "law and order," "quotas," "crime in the streets," "welfare chislers," "self-reliance," and the "work ethic" haunt and stalk the land like angry ghosts and vengeful gods. Escapism from social commitment and involvement is the order of the day. President Nixen has retreated from the struggle for social and racial justice and decency. National leadership is a classic example of tragic moral bankruptcy and myopia. It is unworthy of the ideals, best heritage, and promises of the land.

President Nixon has more than retreated from the struggle to create a more just society. That would be tragic enough. But, with self-righteousness, moral conceit, hypocrisy, indifference, arrogance, and deceit, he is seeking to reverse the whole course of progressive and creative social change of recent years involving oppressed minorities, the poor, the needy, the weak, the least of them.

President Nixon's ethic is that of the strong, successful, privileged, the established order, those who "have it made," if parasitically. His god and guiding light are that of the new majority with all its fears, moral pretensions, insecurities, insensitivities, social irresponsibility, escapism, and indifference to the bitter cries, woes, heavy burdens, and yokes of the least fortunate. This syndrome and attitude create, nurture, and justify a climate of human heartlessness, cruelty and moral insensitivity.

Forcefully, simply, and completely, we must expose, analyze, and repudiate Nixon's touted inhumane individualism and pretentious, cheap, and perilous dogma of self-reliance and brutal social Darwinism for the poor, disinherited, weak, and oppressed. This perspective is radically destructive of the quest for the Good Life in an equal, humane, sensitive, and responsible society. Self-reliance is a viable philosophy for the strong and successful, for selves with vast resources on which to rely, for those who "have it made." It is, however, a cruel and heartless social and political philosophy for those human beings caught in the vicious cycle of hopelessness, despair, and those who get farther behind the harder they work and the faster they try to run. The best proof of the country's moral character and integrity is not how it massages the ego of the strong but how it protects and helps the weak, the dispossessed, the people farthest down.

Black political liberation would mean more than black political liberation. It would also mean American liberation from the cancer of racism and the degradation not only of the political and public process but also, to a significant degree, of man—man as political agent and object of political action, man as moral being, man as social creature, and man as spirit. Justice is, after all, indivisible. And the ultimate solidarity of mankind is more than a pious moral abstraction; it is also an expression of practical and enlightened self-interest and collective wisdom and common sense.

Discussion

DR. HAMILTON: I think that Mr. Scammon is correct in his statement on busing. If we're going to seize the political initiative we must not necessarily be dictated to by *that* kind of issue and we must seize an issue such as jobs—that is useful for our own political purposes. I agree that busing has become in many ways a phony issue. But I don't think that it is incumbent upon us at this point to try to depress ideological divisions among us, and deracialize solutions. I don't think it's incumbent upon us to try to work with or deal with the issue of busing. I think that welfare and jobs is a far more efficacious issue for us.

MR. SCAMMON: I think this is undoubtedly true. On the other hand as I was saying in discussing the general question, one of the direct and underlying themes in what all of us have said is that an effective political electoral solution to questions like jobs and welfare, depends upon developing the majority, including the possibility of alliances with blue-collar white workers. This busing is the great stumbling block. It is not a phony issue to these people. Maybe phony in reality, but perception is reality here, and if they perceive it as an issue, it's an issue.

Just like Chappaquiddick is an issue for people who preceive Chappaquiddick as an issue *vis-a-vis* Ted Kennedy, whether it really is an issue or not. And this is the problem, this is what has inhibited (in many instances) this kind of almost normative alliance that actually was found in the South, of all places, in the early 1890s in the populist movement between black and white. I don't make any judgment on it. I just make a political evaluation.

MR. FREELAND: Let me raise something with the three of you which concerns me when we talk about political activity in the black community. Is there a different strategy and are there different tactics, when one talks about local and national realities?

DR. COOK: Yes, you have to use a different strategy. Take the issue of partisan party politics. You know southern whites are often national Republicans and local and state Democrats. You've got blacks who are often that way too. In the South, often the Republican party is more racist than the Democratic party. In that situation, obviously blacks have got to vote the Democratic party. On the other hand, I recall that back in Atlanta, Georgia in '61, the three most liberal candidates for the alderman board were Republicans. I'm sure that Vernon, myself and other liberals voted for a

Republican candidate because we had no choice. It would have been stupid to vote for the racist Democrats.

On the state-wide level, the Republican party in Georgia, for example, was much more liberal than the Democratic party until 1964. So naturally blacks in Georgia for the most part supported the Republican party on a state-wide basis as well as a local basis. I think this is facing reality. You have to be, in a sense, a political schizophrenic in this. You have to walk the tightrope. This is what I meant by there not being any substitute for intelligence in the development of strategy. Not to be an absolutist in terms of Democratic politics or Republican politics or what have you.

I recall again in the South, on a national level, blacks vote some 90 percent Democratic. But blacks in Virginia supported Linwood Holton and properly so. In Arkansas, they supported Winthrop Rockefeller, and properly so. In Tennessee, in Florida, in Texas,, in many situations they supported Republican candidates. But this is being sophisticated, this is being intelligent. It is utterly idiotic, it seems to me, for blacks just to say "I'm going to vote the Democratic ticket," regardless of the quality of the Democratic candidate, the kind of commitments they have, or the kind of philosophy they espouse. And by the way blacks also supported Nixon not only in Atlanta in 1960 but in Birmingham, Richmond, Nashville.

MR. FREELAND: Let me ask Dr. Hamilton: If one of the mechanisms is the control of the local Democratic party, the machinery of the local Democratic party, how can those demands of party loyalty, even at the local level, be reconciled to the "Cook" thesis that there should be intelligent discretion exercised. I mean if you're a party worker, you can't go around and say "vote for the other guy, but vote for me to keep me as a Democrat."

DR. HAMILTON: We've seen that happen before frequently. We've seen people in a particular local party not support their own ticket, but support another candidate—which is all part of sophistication. There's no absolute contradiction here. I can think of a number of instances: Percy Sutton, Borough President of Manhattan, for instance supported John Lindsay for New York City Mayor in 1969, when Lindsay was not running on the Democratic ticket. He supported him against Mario Procaccino, a Democrat. So there's no problem there.

If you have your strong organizational base in the local community, which means clearly your ability to deliver—then, I don't think you're going to run into any serious problem. The problem is, can you organize and deliver—which many black political leaders can not. Switching back and forth is no particular problem. You just can't do it *all* the time, but is can be done.

I'm not opposed to that. If we're going to be politically sophisticated, we have to do it. The only other thing I would add is that, in terms of your earlier question—the difference between the local and the national—it's very important to understand that there is no such thing organizationally as national electoral politics in this country. *All* politics is *local*. You start with the precincts, so wherever you go from there, it's up.

MR. SCAMMON: I think we should always bear in mind that this is not just a black political tactic. You find, for example, that Mayor Perk of Cleveland was elected because a lot of blue-collar whites who were Democrats voted for him against the independent black and the Irish Catholic Democrat in the last city election there. Rizzo's election in Philadelphia was accomplished by tremendous turn-arounds in ward after ward, that turned from Republican to Democrat, and Democrat to Republican.

Another example is Stenvig in Minneapolis, when he was elected against the black candidate two years ago and a white candidate four years ago. These things are not just phenomena of black political behavior. They are the political phenomenon of a rational electorate, or an intelligent electorate. I would rather call it an electorate that has an intelligence about where its interest lies. My friend Kevin Phillips has written a book called, the *Emerging Republican Majority*. I argued this point with him and said it's nonsense. There is an emerging "no-party majority" in America. And it's just as much white as it is black.

MR. FREELAND: I'd like to talk among the three of you, about the black nationalists and the political process today. Is there a strategy now, of nationalists becoming involved in the political process, which has some pluses for the black community?

DR. HAMILTON: I think clearly that's the case. The most blatant example, would be Bobby Seale running in Oakland, although he is not a nationalist in the traditionally understood sense.

Imamu Baraka's activity over in Newark, New Jersey, is another. I think, it's halting and faulting in many places, but I think clearly that one is seeing what is called the black nationalist community giving, in several places, far more serious thought than earlier to electoral politics. There's no question about it in my mind.

MR. FREELAND: Is this movement toward electoral politics a highly sophisticated thing by the black nationalists in the several communities around the country?

DR. HAMILTON: From the places I observed I would say so. I would not say so in Gary, (scene of a national black political convention in 1972) but I would certainly say that back in the home bases, in many places it is so. Many of these leaders know precisely how to count. They *are* capturing different kinds of levels of office. Part of the problem, I suppose, is that the mobilization rhetoric they've used turns off a large number of black and whites. Now whether one wants to call that unsophistication or not, that's something else. Places I've observed that sophistication is at the local level. But when you try to see it at the national, "Gary convention" type level, I suspect that it probably is rather chaotic and disjointed.

DR. COOK: How do they (nationalists) differ, in terms of motivation on policy and program, from other black politicians?

DR. HAMILTON: I think first of all they would be much more willing to articulate what is called a "black position," and much less willing, in an

earlier stage of mobilization, to coalesce or ally with traditional political groupings like labor.

DR. COOK: What precisely do you mean?

DR. HAMILTON: Well I will give you an example. For instance, out of that group you would get probably a head-on [collision] dealing with the whole issue of the merit system versus preferential hiring, or something of this nature. You would get them pushing for the situation whereby in their platforms or planks, they would say "we are clearly advocating black policemen in black communities, black teachers for black schools."

DR. COOK: That would not be limited to black nationalists.

DR. HAMILTON: It would not be?

DR. COOK: No, I can also see white policemen, for white communities, etc.

DR. HAMILTON: No. I said the nationalists would be more likely to articulate that *vis-a-vis* the black position, than say, some other groupings. It would not be limited to them. So therefore, what other groups do you think would articulate them?

DR. COOK: Old fashioned integrationists might argue for black controlled community resources, black policemen and so forth. In fact this has been a traditional position in black communities. I remember in Atlanta way back when I was a student at Morehouse, we advocated black policemen and so forth in the black community. Nothing new about that. I think it's false to equate any kind of identification, or elaboration of the black perspective with black nationalists. Nationalists have no monopoly on blackness or the black vision and perspective.

DR. HAMILTON: Well, on another operational level, they would be much more against a dispersal policy in housing. They would be much less disposed to busing. But I see the point. You're saying don't let the black nationalists pre-empt the term "black."

DR. COOK: That's one point I'm making.

MR. SCAMMON: It's very interesting when you talk about alliance politics, because as you outline it, I can see George Wallace sitting down with this group. Because you're going to have a black borough, black mayor, black schools, a black police, everything. I can see many Wallace-ites buying this. I don't know about George Wallace himself. He's more conservative with other things, I guess. Alliances come from so many strange places.

MR. FREELAND: Are there any coalitions that any of you see, either at local or national levels which involve the oppressed and, if you'll pardon the expression, the oppressor, at least on a short-term basis?

MR. SCAMMON: I think you can find those in a number of the more advanced liberal opinions advanced in the white community. You take a city like New York. Great wealth in New York is not necessarily Republican. Some great wealth in New York might very easily be identified as Mc-

Governites. You go up in the precincts along Park Avenue, for example. This isn't where your big Republican vote, your big Nixon vote is. Your big Nixon vote comes from out there in Queens. So you get an alliance here between some elements of white wealth and the black community.

MR. FREELAND: What about full employment as the basis of alliance?

DR. HAMILTON: It's very clear to me that, if put together carefully with much thought, this quite honestly has the potential for one of the most important political alliances across the spectrum that I can think of.

Q.: Chester Burger, member of the Board of Trustees—Most of your discussion this morning has been focused on increasing and making more effective black political participation, and that's as it should be. But going back to Mr. Scammon's comment that 90 percent of the voting electorate is white, I think it's worth taking a look for a minute at this problem and the problem of alliances in a very practical way.

It seems to me that one of the most effective techniques that the Nixon Administration has used to cut off and diminish public support for the needs of the poor, and those who desperately need help from the public sector, has been the thought (and it's been used very effectively by the Administration) "This is going to cost you money; this is going to cost billions of dollars; this is going to cost more taxes."

And the people that Mr. Scammon spoke about in Queens, face the fact that right now, when they go to work on Monday, they know that everything they earn on Monday is going to be taken by the Government in taxes, and everything they make on Tuesday is going to be taken by the Government in taxes, and maybe Wednesday, too, dependent on their income level. And this has been used, it seems to me, as a very effective lever to cut off support for the things we're working for.

Yet none of us have really referred to the question of priorities. The fact of the matter is, that while people resist very strongly the burden of taxation that they're carrying, there's plenty of money in the Federal Government to accomplish all the things we want. But it isn't going to the people that need it. It is essentially going to military expenditures.

Somewhere down the line, it seems to me that anything that we are proposing or advocating or working for, the average white, middle income or low income taxpayer sees as a threat to his pocketbook and is going to resist. And the only way we're going to get anywhere with presenting our position with effectiveness, it seems to me, is to counterpose where the money is going now, with where we think it *should* be going. Then the question becomes whether the only way we're going to accomplish these objectives and win alliances, is at the expense of the military budget.

I don't see how we can talk realistically about alliances with the larger white community unless we put it in these terms, and as a continual process of education. In that case, I think we will find allies instead of people who regard our objectives as a threat to their pocketbooks.

DR. HAMILTON: I don't agree. When you're talking political strategy, I don't think that's the way you're going to meet those people in Queens. I think that they've become so politicized, and I think that the propagandistic

machinery is so great, that if you try to pose the issue (which I think is a good one) in that way you'd lose. I think it's a low yield, almost built-in "defeat" strategy.

I think, quite honestly, that what we have to do to get at what you're talking about, is come up with a particular, specific kind of bread-and-butter, economic piece of legislation or program and try to gain allies through that. With all these POWs coming back now, and the height of the pariotism in this country the way it is, if you tried to go out to Queens and talk against an increased military budget, you'd get laryngitis. I agree with your ideological position, but I do not agree that that's the strategy.

MR. SCAMMON: I agree with Dr. Hamilton. I don't say you wouldn't make any profit on it, but then they'll bring out the charts that show the defense budget going down and the social programs budget going up. And they'll say, "How much are you trying to grab?"

I often have arguments on panels like this, and the argument is really based on whether the administration of Mr. Nixon is an ideological or opportunist. And the fact of the matter is, that this is an extremely political administration that will move very fast on any one of these issues. I would not count on them not being able to react, even to this kind of potential economic issue. The ideological base of a Hoover or Coolidge doesn't exist there. So, whether you can find it or not, I don't know. But it is certainly something to be looked for if this is the alliance purpose.

Q.: Dean Londa, National Office. I think the recommendation that Dr. Hamilton has made to the National Urban League and this group this morning to mobilize around a full-fledged effort for full employment is of paramount significance. Two things I would like for us to flush out some more this morning: (1) What are the obstacles now to full employment? (2) What would be the tactics for creating the alliance and with whom, in order to achieve full employment as a focal point for the 70s?

DR. HAMILTON: I don't want to talk in the precise terms you phrase it, that is, obstacles first, and then tactics. I'd rather start with No. 2. I think that it would be very important to spell out precisely what we want in a full employment bill. I think we have already flagged one thing. I think we *want* full employment which is not a 2½ percent figure but *full employment.*

Now, secondly, I think that we've got to offer some very specific goal/guidelines. I think that we should not get caught up in whether it comes from the public or private sector.

I think that on four levels we could devise it: *First*, exhaust the private sector potential, using whatever kinds of incentives (tax incentives, and what-not) you want to use. *Secondly*, I think and I'd be perfectly willing to argue very strongly for this—migration incentives to less labor-intensive areas where the jobs are: pay people and companies to do that. *Thirdly*, I would like to see an aspect of this contain what I would call "Public Sector Temporary Employment" for a whole host of people like these youngsters, who are coming out of school, not going through college, who are going to be clerks, and so forth, who can't go into the private

sector, and who need a period for training. Let them go into the public sector for a period of a year. Moving them, *fourthly*, into, if it has to be this way, what can conceivably be permanent, service-oriented, public sector employment.

Now, these are the four major ingredients that would form a full employment bill. I think that it would be very important to get the Leadership Conference on Civil Rights involved in this, from an organization pressure point of view. I think it would be very important to get (my own view) bi-partisan senatorial support for this, to introduce it. I think that, argumentatively, it can be shown to be not a "black" issue solely, although clearly blacks will benefit. There are a lot of white folk unemployed. You can get support across a wide spectrum. I would not suggest that this be a Chisholm-Diggs Bill. I would suggest that it be a Humphrey-something Bill.

What are the obstacles? Well, I think the obstacles are going to be very clear. I think they're going to pull out all kinds of economic indices to show this is really dysfunctional . . . that it leads to inflation . . . that there are certain people who don't want to work . . . that there are certain people who can't work because they're lazy and so forth. Well, I don't have any more to say about that. I think that after we decide that this is a policy goal that we want to shoot for, then the tactics of strategy will fall into line.

I would also suggest that you cannot play down another very important "political" factor here. You are right in the so-called "'mainstream of Americana" when you're talking about work. I think one of the major tactical mistakes made by National Welfare Rights Organization was to call for the Right to Welfare. I think that's emotionally charged language. It's going to turn off people. I wouldn't even use the term, "Guaranteed Jobs." The term "guaranteed" is too emotionally charged. It smacks of WPA—that is to say, "we piddle around." It smacks of boondoggling. So, I would be very careful in the choice of *language: full employment.*

Q.: John Johnson from the Westchester County Urban League. I have two questions—one for Dr. Cook and one for Dr. Hamilton. Dr. Cook, touched on a concept as a possibility for the Urban League—and that is, developing some kind of populism. I wanted to know if you could give us some practical guidelines. How would you go about that, putting all the legs to the stool, the poor whites, the poverty people, the black people, and other ethnic groups, so forth? Dr. Hamilton, you posed a very dismal picture for the Urban League as an organization in terms of political participation, developing sophistication. And yet, we are investing considerable time and effort now in voter registration type projects on the precinct and ward level. Would you please elaborate just a bit on the obstacles that we might face in continuing that kind of program.

DR. COOK: In reference to the first question. You've got to have an issue around which you can organize poor whites with blacks, and it could be the issue which Chuck mentioned—full employment—I don't know. I have my doubts. There is a Full Employment Act, as I recall, of 1946.

But in terms of the minorities I mentioned not only the poor whites,

but Chicanos, Indians, Puerto Ricans. I think it would be possible, say for Vernon, to call a meeting of the leadership of these groups, sit down and discuss priorities and strategies; see how to exchange information; see how they could help each other. Blacks have a lot of funded experience in terms of social change developed in the last ten or 15 years. Indians haven't had it; they've accepted some of the tactics but they haven't had the experience that blacks have had, and blacks could help them. And this kind of coalition which I have in mind is based on the commonality of the phenomenology of oppression, of what it means to be dehumanized in American culture. This has great symbolic value.

And I suppose the ultimate significance, and source of power of this coalition of minorities, coalition of the oppressed, would be to appeal to the American people, the American conscience, or what Dick Scammon calls "a sense of equity." This sense of justice in terms of social change is there and that was the genius of Martin Luther King, to appeal to it, to tap it. You could help generate this sense of urgency, energize and activate the will of this country. And I think you have to do this to get the kind of change that Chuck mentioned.

Regarding full employment, most of America is not concerned about unemployment. They've got jobs. They're complacent. The tragedy of America now is the tragedy of a self-satisfied conscience, a complacent conscience. Most Americans are fat and happy, they've got their two cars. They're not worried about the poor and disinherited. The tragedy of the Nixon Administration is that it sanctifies this kind of insensitivity.

What Nixon and others are doing is to sanctify and idealize the oppressed status of life, and talk about, "self-reliance" and the "work ethic," and all this kind of jazz. Somehow, you've got to devise a strategy, and I think a moral strategy, to undercut this kind of thing.

MR. JOHNSON: That was precisely my question—in the sense of how do you pull in the poor whites who are to a great extent just as oppressed now as the black community?

DR. COOK: Just as oppressed, and in a sense more so, because of the tragic illusion under which they exist. Now, this is obviously very difficult, and it has to be done on the local level. I recall in Durham, for example, and believe it or not, we have made a little headway there in developing an alliance. Not much, just a *little* headway to pull in poor whites. An organization called ACT got poor whites together a couple of years ago, on some issues, and we made some headway. To give you an example, we are in Durham County now, working on consolidation. We have included an anti-discrimination provision in it, and it's been very revealing. North Carolina has the reputation of being a very progressive state [an illusion] Durham has the reputation of being progressive [again, an illusion]. And in the vote we had, about a month ago, just to maintain this anti-discrimination provision, it was 9 to 8, in favor of it—9 to 8! Only four whites voted with the black majority—only four. And I think two of them have subsequently changed their minds.

But one of the persons who voted for it was a representative of ACT, this anti-poverty group representing poor whites in Durham. And the

first thing after we won it, by one vote, the Chamber of Commerce in Durham wanted to disqualify the guy who represented the poor whites in Durham. They didn't succeed at that point. They might succeed later.

But again, with poor whites, you encounter racism. You know, poor whites often are "out-and-out" racists. And you can't get through to them. It's not a rational thing. Racism is not a rational thing. You appeal in terms of enlightened self-interest, but racism often blinds one to one's own self-interest. It's something you have to work at, day-in and day-out, on the local level, share this, share that, work hard at it. It's nothing dramatic, it's dirty work. But, you know, we've got to do it the best we can.

DR. HAMILTON: My sense of realism says that black folk can't organize white folk—that whites are going to have to do it. You're going to have to rely very heavily on white leadership to do that. I remember several years ago when some of us were profusely articulating "Black Power," we would say "we want white people to go into white communities to organize whites," and we were accused of kicking white folks out of the civil rights movement, which is silly. We didn't own it, and we didn't control it.

But I still say, that we've just got to get more white folks in those white communities organizing those people, and it's a hard job. In many ways, it's harder than going into the black communities. So, I would suggest that very strongly. And I don't want to see black folks delude themselves that they can organize white folks. I don't believe that.

Secondly, I know that the Urban League has been involved in voter education, but my point is, that not only must you register folks, but you've got to stay with them, mobilize that vote, deliver it. And I don't know if you can do that. I suspect that you cannot do that because of your (tax-exempt) status. And unless you do that, you're not going to be able to deliver that vote. Once a community does vote, say, for a black or a progressive candidate, you're not going to be able to hold him accountable. So, I think that voter education and voter registration is only part of the picture. I think you're just going to have to become much more partisan-politics oriented. And if it means losing a lot of money, you'll have to lose it.

I know two major secularly-oriented organizations, the NAACP and Urban League, that have pervasive roots across this country. You've got professional talent. I think that talent—and there's much of it in this room—is simply going to have to become much more partisan-politics oriented, rather than simply "service-oriented" and simply "voter registration-oriented." That's all I'm saying.

Q.: Charles J. Hamilton, NUL Trustee.—I'm fairly disturbed, really, by the panel—not for what it has said but for its omission. I'd like to raise two issues in the form of questions for your consideration. One issue threatens the real viability of the Urban League as an organization. It is the Federal thrust to dismantle all of the gains that have been made over the past two or three Administrations through general revenue sharing and now special revenue sharing. It seems clear now that President Nixon, through general revenue sharing, has already established a beachhead for special revenue sharing which is going to have the ultimate

consequence of dismantling the entire categorical grant system.

The other problem, and Professor Hamilton has provided us with some very solid ammunition in his appendix statement by Nathan Perlmutter on the consequences of control going back to local communities exclusively in terms of economic and political decision-making, is going to mean a demise of substantive political power on the part of minorities, upon organizations like the National Urban League. That issue is vital.

The other issue is the one of busing, and it's a volatile issue, it's an issue that a lot of people feel very uncomfortable about. But if you look at the decisions in the past 25 years, the most important Supreme Court decisions are really the "one man-one vote" and the "school decision." Those decisions are important not only in terms of the pragmatic, immediate consequences, but they're also important in terms of their symbolic, political consequences—the kinds of direction and thrust that the political system addresses.

I'd like to hear from all three of you, your feelings about both of those issues.

MR. SCAMMON: The point you make about the community vs. Federal control of money is obvious. Let me talk about another minority—the Librarians of America. I gave a speech to the Librarians about two months ago in Washington and this was their basic problem. They needed Federal money, because if it went to the local level, the firemen were going to get it. Or you were going to get relief on private property and property taxes.

What you're saying is undoubtedly correct: that in the average community, the competing elements for money would make it more difficult for the kind of programs you have in mind, to survive.

My point about busing is not really what this organization, or any organization of blacks or whites, ought to do. It is a "relevant" issue if people think it is relevant. Just as in the old Colonial Days—in a town meeting in the little town of Stratham, New Hampshire all they talked about was the salary of the minister. That's what they spent all their time on. Maybe it was irrelevant, maybe it was ungermaine, but that's what worried them. If you're talking in terms of any kind of access to the blue collar whites, the less-advantaged whites, the working-class whites, you get a problem.

Now, if that (busing) is not the concern in the black community (in which there is division on this issue obviously) you could probably cover over that kind of division by simply ignoring the question, because really there are many other things that are much more important.

There are not many things, however, that are much more important in many white communities. I give you Detroit as a case in point. Jim O'Hara, who is almost a Civil Service Democrat in terms of the way he has held on to his seat up there in his home county, got nearly beat in a white working-class area because he was out front on busing, and that's the only reason.

This (busing) may be entirely irrelevant in terms of the black community. But in terms of access to the blue-collar white working-class it becomes a very, very relevant and germane issue. I suspect that full employment may offer some amelioration, but it does not really answer the

basic concern, which is not economic in most of these cases. It's almost counter-cultural.

I think you'd have to say here that the reason Mr. Nixon put busing out as an issue was because he was aiming at certain minority groups—Roman Catholics, ethnics, white Americans, generally (who are hardly a minority group) blue collar workers, and particular areas in which this was an issue—Richmond, Virginia, and Detroit, Michigan. Now, I put it to you, that busing will become much more of an issue if the Supreme Court decision upholds the findings of the Lower Courts in both cities. Because then what has been just a local issue will, in fact, become a major issue any place there's a large black minority.

DR. HAMILTON: Let me be very candid. I don't want to elevate the issue of busing precisely for the reason that you mention. It is divisive right now. Divisive within the black ranks, divisive among blacks and whites, and I'm just not going to raise that issue—in terms of talking political strategy and trying to move into another point in the political struggle. I personally am not that interested in busing at any rate, ideologically. But that aside, I would never come here and argue for or against busing to this kind of group. I know that we would just get hung up, and I don't want to get hung up. I am not going to broach that issue among whites or among blacks right now. It's too politically hot, and it's going to stymie us. It's going to bog us down, and I don't want that.

DR. COOK: I'm not sure that Chuck can dismiss it that easily. The issue is not going away. Let's face it. You can refuse to discuss it, but that's a decision which has serious political consequences. I think it's a very serious, national issue. And Nixon obviously raised it to exploit that primitive and tribal fear, that instinct of white folk, not only lower-class whites but whites in general.

DR. HAMILTON: Sam, I can think of no high-yield strategy that we could come up with that would speak to that issue. I'm aware of its problems. I just cannot think as I sit here this morning, at this time, of a strategy. I just can't think of one.

Q.: Livingstone Wingate, Executive Director of the Urban League of Greater New York—Busing means a very simple and basic thing. White people in numbers are not going to have their children in numbers sit next to black children. It's as simple as that, and I don't see why that puzzles us. Busing is not a false issue. Busing is an issue which tells us that white people do not want black kids in any great numbers sitting with their kids.—I'm inclined to believe that we made a grave mistake during the era of integration, when we didn't "trade-off." Whites were so vehement against integration that we could have made a trade-off with some type of community control at the time that the issue was hottest. I think the discussion today could be centered on two aspects. Number One, the *utilization* of black political power, and Number Two, the *development* of black political power. That moves really into the argument of alliances, versus blacks developing themselves first. I stand for the position that there cannot be an effective alliance or a coalition, until blacks develop some

type of cohesiveness themselves—because they get lost in a coalition or an alliance, until they develop themselves. What are some effective strategies?

Another very serious question raised here today, was whether the Urban League could be an effective instrumentality because we have separated ourselves from the electoral process.

But the bigger question I throw to you is this: How can black people make change? It narrows down to power! Politics is nothing but a mechanism for power! And what I'm saying is, should we concentrate more on the utilization of our power, which we don't have, or should we concentrate more on the way we develop political power?

DR. COOK: On the last question he raised, I agree that you've got to develop the power bases within the black community; mobilize all kind of resources. This is crucial. But in the meantime, while blacks are developing the totality of their resources, we've got to have alliance material. You've got to make some changes in the system while you are maximizing black political power—power within the black community. There are thousands of alliances blacks have had throughout the country—not only nationally but there are endless alliances on the local level.

In terms of black political parties, here again that depends upon the situation. Nationally, I don't think there's very much hope. But on the local level, I can see it. In Alabama, in the black belt counties, in the black belt counties of South Carolina, or in Mississippi, I can see the effectiveness of a black political party. It all depends. Here again, you've got to emphasize the multi-dimensionality kind of strategy.

Q.: What are the guidelines for a black political party?

DR. COOK: This is an empirical question. Look at the objective situation. How many blacks are there? How many whites? What has been the history of hard activity, of political activity? What are the possibilities? What are the chances? The whole matter of socio-economic status, the whole matter of leadership, the whole matter of the civic consciousness within a given community. All these facts are crucial.

I can't say to you abstractly, a political party will work in County A or Community B and so forth. That's an empirical question. I would have to study it very carefully.

Q.: Robert Hill, NUL staff—I'd like to address Dr. Hamilton concerning the full employment bill. I'd like to preface it with the comment that I think it would be an excellent target for the Urban League. Yet I do have some concerns with how we actually mount such an effort, particularly when you speak of deracialized attempts. What concerns us—is that, when the economists speak of "full employment"— let's take four percent (unemployment)—they do not say what will be the level of unemployment for blacks. What they say, is: total unemployment is four percent—which means eight percent is tolerable for blacks, because we still have the 2-to-1 ratio. In fact, that ratio has been increasing, not declining. So what we're very much concerned about is, if we accept four percent, or three percent, or whatever is acceptable for the average worker, why cannot we have some

parallel policies to assure that four percent should be tolerable for blacks, instead of maintaining the 2-to-1 ratio?

I would like you to elaborate on full employment because I think it's a trick bag that we can get locked into.

DR. HAMILTON: Your comments are still in the traditional mold of how *they* define employment and full employment. In mounting this program, what I'm saying is *we* define it. What I'm saying is if you do a content analysis of your comments you are still using *their* definition of the socio-economic situation. If we're going to mount this, I'm saying *we* define it, and it becomes *our* goal, and that is, very clearly, everybody able and willing to work will be able to work at a decent wage. When I say "de-racialize" it, that's going to hit white folk and black folk. It is not going to be an easy, smooth thing. It is a heck of a political struggle. But that's what I'm asking us to mount as a civil rights, human rights struggle. We'll define our goals.

DR. COOK: I feel that you've got to be a little more careful about full employment. What kind of employment? Is it employment as a maid, a butler, as a migrant worker, and so forth? In addition, you know, you've got to have something to realize an income. This means not only employment—this means employment plus—like some guaranteed income and so forth. So, I think you've got to be a little more careful about the definition of full employment. What you really mean is the creation of the conditions wherein individuals have a minimum of subsistence. Thus, what form, kind, and quality of employment?

DR. HAMILTON: Absolutely. What I'm saying is, can we now begin to deal with all these issues that everybody is raising? Can we now bring to bear our collective wisdom and thinking on these issues? You're (Cook) absolutely correct. And I started spelling out the different levels, public sector, temporary public sector, migration incentive policies to build into your conceptualization, all of these things.

What we must say is, we're going to put the burden now on this society—public and private sector—to employ all people. And that will permit us to raise certain kinds of other economic questions, which if we raised them now in an emotional kind of environment, we'd fall on our faces. We've used the term here eight times—political sophistication. Query: Are we prepared now to operationalize that?

Q.: My name is Clanzel Brown from Jacksonville, Florida. The question I have is: the concept of consolidation [of metropolitan governments] is growing rapidly, and the momentum and the justification for it is the efficiency of government to do away with the duplication of services. Particularly in the South I think it's a critical question. I would appreciate your sharing with me and the others, your concerns about this particular issue.

DR. HAMILTON: I would have no more to say than what I said. I'm not against consolidation or metropolitan government for certain functions. What we've got to do is to begin now to be more particularistic. It's ab-

solutely insane to talk about community control for solid waste disposal purposes; community control for air pollution, water pollution, mass transit. Metropolitan government isn't something that bothers me. I want to see metropolitan government. It makes far more economic sense for the performance of certain kinds of services. So, let's speak of it in those terms.

MR. SCAMMON: I think this question often gets confused between the "Good Government" issue and the "Political" issue. The fact is, that the politics of it is: "Who's going to run the schools?" or "Who's going to run the police?" There's nobody going to argue that you ought to have an Airport Commission in each one of 17 townships and one city in the county. The guts of it comes down to the gut issues—and one might add to that: not only police and schools, but zoning, and money. Here you get four groups—blacks for, blacks against, whites for, whites against. Some of the reasons have to do with economy of government—not many. Most of the reasons are racial, or power-oriented.

For example, the blacks vote down consolidation in St. Louis because they're afraid there's going to be a white majority if it gets consolidation, and they'll never get any power. And they're right! Quite right! The whites out in St. Louis County may vote against it because they're afraid that the blacks may be wrong, that the blacks may get power and, therefore, they keep them in St. Louis City.

Now, this really isn't capable of research judgments in the sense of "Which is going to save eight mills on the tax rate?" and that sort of thing. These political questions you just have to let bounce wherever they will. In Gary, for example, when Hatcher was first elected, in the Sixth District—which is a white working-class area—there were discussions and petitions circulating about "de-annexing" that part of Gary from the City of Gary so they wouldn't be under that black man Hatcher.

Now what have you got here? You've got political power, questions on the things that really count. On the other things, most of them—the kind you mentioned, Chuck,—no rational man is going to argue you couldn't have a valid kind of metropolitanization.

The more consolidation you get, the more diluting there is going to be of black power. In other words, if you've got a city of 100,000 that's 75 percent black, and you move it into a county of one million that's ten percent black, obviously you're going to dilute political power. There's no question about it. The question really is, agreement on those elements of authority which are negotiable, and agreement to disagree on those elements of power where you want community control. And I think that's about it.

DR. COOK: It's a matter of bargaining, as you suggested at the end. It's a matter of blacks trying to build into the new system of consolidation or merger, a certain mechanism of protection, in order to avoid the diminution of their power, in order to protect their interests. But this a question of sheer politics at the beginning.

MR. SCAMMON: It's awful hard to build in guaranteed, long-term, controls if you're going to move, we'll say, from 75 percent black to ten percent black.

For example, I'll give you the easiest case of all. Suppose you were to consolidate the City of Washington with its surrounding rural and non-rural white metropolitan suburbs. Your black community, which is now 75 percent or 80 percent of Washington, would become 25 percent. Now would this diminish black power? I think it probably would. I don't think you'd have a black mayor under those conditions.

Q.: I'm John Turner from Case Western Reserve University. A number of our speakers, both on the panel and in the audience, have referred to "sophistication of political process." We've talked about how to develop cohesion within the black community. We've talked about the components of black liberation and what has to be done. And we've referred to the ground rock of political processes occurring at the local level. I wonder if you would speak somewhat more pointedly to what the Urban League can do or should do to develop this kind of cohesion, this kind of ability to get into a position where trade-offs can occur, where coalitions can take place?

DR. COOK: A building process is what I'm saying. There are conditions we have to meet, before we can become really sophisticated. What are they? What can we do to meet them?

DR. HAMILTON: The language is terribly important. I think we've answered that in so many words, but we just haven't answered that particular question as phrased in that way. We talk about focusing on specific issues; we talk about being very pragmatic and looking at particular areas; we talk about a number of other things. I'll be very honest with you. At the national level, if I could leave this room with the understanding that the Urban League is going to give serious thought at the national level, and also "plug in" or bring in its local chapters behind a concerted effort—whatever form it takes—to mobilize their constituencies in this country for the achievement of a full employment bill, I would consider the Sunday morning well spent. Now, you know, you've got all kinds of other programs that you're not going to drop. You've got to keep them going. So, that's all I would have to say about this. Get more political in the different kinds of ways that we've already talked about.

MR. SCAMMON: I can't bring to this any experience of meaning to the Urban League, but I can bring the history of the Irish revolutionary movement in the 19th Century. Parnell made a very telling statement once, when he said that "I can put no limit to the path of advance of any nation." But the Irish movement had at least eight different ways of going about this: they had a parliamentary party, they had a private pressure group, they had a land league, they had a group in the United States constantly raising money. The idea that any minority group must contain itself to one kind of political action is self-defeating. Every kind of political action should be open. If you have to talk, as you suggest, to corporate America, which has a guilt complex and therefore gives you money, fine! With that money you can provide other things! A minority movement, like a university, has a vast capacity to take tainted money and make it pure! And I'm sure you can do it very well under this circumstance.

Which doesn't mean that you aren't a political movement, or some aspect of it. It's very much, you know, like applying for a Federal job and you fill out a Form 57. You don't lie on that Form 57, you just let the light of truth shine on different aspects of your career. And here there're so many ways that this can be done: political, economic, industrial action—garbage men in Memphis, for example, may have a very different way of going about their goals. The whole history of this kind of thing is that, the only error one makes is to be so doctrinal that there's only one track by which you can get to the station. There are about nine different tracks, and I would hope that you'd follow all of them.

Q.: My name is Clarence Coleman, I'm with the National Urban League out of Atlanta. I am not entirely happy with the prospect of a full employment concept. I'm afraid that the system might very well block a large number of blacks into the working poor—which would really not help blacks substantially from an economic point of view. So I think we really need to define that, and clarify the issues about what kinds of jobs you're talking about. Because full employment may mean that black folks will be working, but be very, very poor.

Secondly, can you suggest anything that an agency like ours, an agency concerning itself with urbanization problems, might do to address itself more particularly to problem or the rural South as far as the political process is concerned?

DR. HAMILTON: On your first comment Mr. Coleman, I'm going to defer to some members in the audience who understand that I've already dealt with your first point. To broaden the base of discussion I would like to ask someone who I think understands that I really am not insensitive to that issue. Will some of you speak to that, please?

Q.: Ken Clement from Cleveland and a trustee of the National Urban League. There are times (and I think these are those kinds of times), when it's difficult to find an issue. We're left fundamentally at the present time with the one issue that joins our enemy: namely, individual survival. In the past two or three years, I found nothing coming from any national organization or being generated by any local group that I'm a part of, that has one chance in hell of ever becoming a national issue! Because it coincides with nothing that anybody else is interested in. I'm turned-off by the amorphous considerations that oppression will bring people together. Short of arms, I find nothing that the oppressed can do for each other, but share lamentation and grief! As a communality of motivation in a capitalist society, which purports to wish to stay that way, it just seems to me so crystal clear that being for full employment (whatever else we do), is consonant with wanting to be what everybody says we ought to be, whether we're white, black, green, blue, or whatnot. And it would just seem to me that this *does* have the pervasively reality of being something about which everybody can talk.

The reason I said what I did about oppression, stems from the fact that, if one really gets about in the black community, about half of the blacks do not feel oppressed. But they do feel threatened. If one gets

about in the concerned white community, they don't feel oppressed, but they feel threatened as hell today about their employment. People are concerned about employment, about their jobs. So I do believe that we should undergrid an approach to full employment. Although I am in health, at the last opportunity to speak on health I spent half the time talking about the fact that there is much better correlation between good health and employment, than there is in any other kind of activity. I just don't understand how we can go away with anything other than a commitment to full employment! I don't think we ought to worry about what the adversary is going to say. I just do not hire a lawyer who can see everybody's view but mine. And I think that people buy this in politicians. They want an advocate who sees their point of view. And I don't think we can go wrong on that.

DR. COOK: I don't really just want employment, I want a job commensurate with my background and training, and I assume you do. This is important. The quality of employment, the kind of meaningful employment that will enable me and you and the rest of us to be our best selves. I think that this is important.

DR. HAMILTON: I accept that and I understand this whole discussion to be one of admonishing us not to be too optimistic that we've hit on something that's going to be the panacea. I certainly understand that. And time and again, if I want to make an emotional polemical point, in arguing against the sheer concept of the full employment bill, I could even say slavery was full employment. But that's not what we're talking about. We're talking about dealing with those precise things you are admonishing us on, Sam. And we're talking about overcoming those devastating figures that you were talking about, Bob. So as we grapple with the intricacies of this legislation, of this new policy, we clearly will take all of these things into account. No question about it.

MR. FREELAND: As one who very seldom is concerned about time, whether starting on time or ending on time, I thank all of you for your participation.

SESSION IV

EDUCATIONAL POLICY

Discussants:

KENNETH B. CLARK
President
Metropolitan Applied Research Center

DAVID K. COHEN
Center for Educational Policy Research
Graduate School of Education
Harvard University

BENJAMIN F. PAYTON
Officer in Charge, Minority Programming, Higher Education and Research
The Ford Foundation

Moderator:

CHARLES H. SMITH
NUL Trustee
Associate Director of Humanity and Social Science
The Rockefeller Foundation

CLOSING REMARKS

VERNON E. JORDAN, JR.
Executive Director
National Urban League

CRITICAL ISSUES IN MINORITY EDUCATION: A Policy Program for the Future

by Kenneth B. Clark

On May 17, 1954, when the United States Supreme Court handed down the historic *Brown* decision, there was reason to hope that on the basis of the finding that racially segregated schools were inherently unequal, that at long last the American public school system would be reorganized from a bi-racial to a non-racial system and as a consequence the quality of education for minority group children would be substantially raised without detriment to the majority.

In May of 1955 the Supreme Court handed down the "deliberate speed" implementation decision which suggested ways in which the transition from segregated to nonsegregated systems of public schools could proceed with minimum disruption. Unfortunately, those who were opposed to any desegregation of the American public school system interpreted the "deliberate speed" decision of the Court as an invitation to procrastination and evasion. Nineteen years after the original *Brown* decision the process of the desegregation of American public schools is still not only incomplete, but is confronted with a new pattern of barriers which could not only postpone, but reverse the process of public school desegregation in America.

For those who are concerned with the quality of education for all American children, it is now imperative to define and examine as objectively as possible the present problems related to the desegregation of the public schools and to seek and implement affirmative solutions to these problems. Given the present strange combination of enemies and subterfuges, the struggle for the desegregation of American public schools must now be intensified if the promises of the *Brown* decision are not to become another in a long list of cynically broken promises for racial justice in America.

The following premises summarize the focus of this paper:

1. The cases which led to the *Brown* decision of 1954 were argued on the grounds that Negro children in segregated schools were being denied equal educational opportunity because the segregated schools which they were required to attend were inferior.
2. It was also argued that the *Plessy vs. Ferguson* doctrine of "separate but equal" inevitably led to inferiority of educational

and other segregated facilities provided for segregated minority groups.

3. The Court's finding that "separate educational facilities are inherently unequal" is as true today as it was when stated on May 17, 1954.
4. There is no evidence to support the contention that the inherent inferiority of segregated schools will be any less damaging to the segregated children when such segregation is demanded by the victims than when inflicted upon them by the majority group.
5. Segregated schools are insidiously damaging to members of the majority group as they are flagrantly damaging to members of the minority.

Given the validity of the above argument and assumptions, one must examine the present forms of resistance to public school desegregation and review the related developments during the past fifteen years in order to arrive at a present position and strategy for continuing and accelerating the struggle for desegregation of the public schools.

In the years immediately following the *Brown* decision the issue of public school desegregation was seen primarily, if not exclusively, as a problem of the 17 states and the District of Columbia which had laws requiring or permitting the segregation of public schools. The struggle was seen primarily as a struggle against the *de jure* segregation of southern and border states. The schemes for evasion and massive resistance to effective desegregation were devised and presented by southern governmental officials and spokesmen. The problem of the *de facto* segregation of public schools in northern urban communities did not surface as a significant aspect of the struggle for the desegregation of American public schools until the 1960s when the center of gravity of the civil rights movement shifted from the South to the North. Inferior education in the public schools in northern urban ghettos emerged as a pervasive factor and a significant grievance in the series of riots which characterized many of America's cities during this period.

As the pattern of racial unrest and the demands for remedies on the part of northern urban blacks increased, resistance to change intensified in northern communities. Resistances to the desegregation of *de facto* segregated schools in northern cities were similar, if not identical, to the resistances to the desegregation of *de jure* segregated schools in the South. This was true in spite of the evidence that the psychological and academic damage to minority group children in northern *de facto* segregated schools was identical to the damage imposed upon these children in southern *de jure* segregated schools. The consistent finding in northern school systems that as the percentage of minority group children increases in a given school or school system the level of academic achievement decreases did not result in the implementation of programs to desegregate schools in northern cities. The consistent relationship between the percentage of lower status minority group children and degree of academic retardation was permitted to continue without remedy in the South and in northern cities.

Explanations for Academic Achievement Failures

This fact of persistent academic retardation—low quality of education and low achievement on the part of Negro children attending *de jure* or *de facto* segregated schools—was glibly explained by a variety of educational, psychological and social science theories. In fact, northern American educators did not lack for support from social scientists who seemed all too eager apologists for the educational *status quo*. Explanations such as the inherent or genetic inferiority of Negro children resurfaced. It has been stated with varying degrees of sincerity that these children were culturally deprived, came from poor homes; that their parents were not motivated educationally and therefore were unable to motivate their children for academic achievement; and therefore the schools cannot be expected to teach them to read. It has even been seriously suggested by white and black "friends" of deprived black children that schools should not attempt to raise their academic achievement—should not teach them to read and speak standard English—because this would frustrate them and result in self-hatred.

Aside from the patent absurdity and the pseudopsychology of these arguments, their common denominator is that these children are uneducable and therefore the schools are not to blame for their low academic achievement. These explanations—those based upon genetic inferiority of Negro children and those which explain their low achievement in terms of cultural and environmental deprivation—also have in common the justification of the continued educational deprivation of these children and suggest that practically no technique, including the desegregation of schools, can be successful in raising their academic achievement.

It should be noted that these explanations did not become fashionable until after the *Brown* decision which required desegregation of the public schools. They seemed to have increased in the intensity of public discussion —both in the professional journals and in the mass media—when the problem of public school desegregation of the *de facto* segregated schools of northern communities became a basis of controversy and conflict.

Christopher Jencks' "Inequality"

Probably the most sophisticated recent contribution to this counsel of despair is the Christopher Jencks and associates report on *Inequality: A Reassessment of the Effect of Family and Schooling in America*. My analysis of the book will not address the problems of methodology, accuracy of the findings or the relationship between alleged findings on the one hand and interpretations and conclusions on the other. Neither is this analysis primarily concerned with the irritating problem of Jencks' style of presentation. However, it is the judgment of this writer that there is a serious question of propriety when a well-publicized document, which deals with the important issue of racial equality in public education, is presented in an essentially glib, journalistic, smart-alecky manner. The consequences of social scientists dealing with matters of equity and justice through the exploitation of Madison Avenue advertising techniques is a problem which must be faced by serious social scientists and their professional organizations.

Jencks' findings and interpretations have been skillfully advertised to the general public through the mass media before other social scientists had had the opportunity to review them critically. By the time this study could be carefully reviewed, the general public, including policy makers, was quoting Jencks' questionable findings as if they were sacred writ. This process highlights a new, fashionable and most disturbing approach: a group of social scientists, having mastered the art of public relations, are able to confuse scientific validation with effective mass publicity. Given that the mass media have an insatiable need for sensational findings and that journalists are not usually trained to make critical appraisals of the claims of scientists, it is not difficult for the skillful social scientist-public relations expert to phrase his "findings" in such a way as to become an overnight celebrity.

When this is supported by the name of a prestigious university and by the backup of the infallible computer, the public's uncritical acceptance of the Olympian utterances of the celebrity social scientist is practically guaranteed. This approach makes for seemingly interesting discussions on TV talk shows, but is clearly questionable science. This problem of social science validation through public relations is closely related to the policy implications of social science speculations, biases and "findings." A subtle aspect of the larger problem is that important educational decisions are generally made by non-social scientists. These men are influenced by the publicity which has been generated by social scientists hawking their findings before the findings have been objectively appraised by others in the field.

State and local boards of education, legislative bodies and even the courts make important educational decisions on the basis of well-publicized rather than well-analyzed and validated social science findings because of their need for either factual guidance or support for their biases or rationalizations. There is also the possibility which is even more disturbing that science findings have a greater chance of being well-publicized and discussed through the mass media when these findings are consistent with prevailing biases and desires to maintain the *status quo*—or to reverse positive changes which have already been made. One highly publicized finding of the Jencks report is that education will not reduce socioeconomic inequality; that, in fact, the belief that schools are significant vehicles for social and economic mobility is a delusion, supported neither the "facts" nor the "findings" of the Jencks study.

Related to this overall finding is the assertion that economic status is not determined by skills which are taught in school; and even if it were, that there is no evidence that school reform could in any way effect academic equality among groups. Specifically regarding the relationship between academic performance of minority-group children and school desegregation, the "evidence" suggests that such a relationship is insignificant. Children are more influenced by what happens at home, what happens on the streets, and what they see on television, than by what happens to them in classrooms. Probably the most significant conclusion of this study in terms of immediate policy implications is that racial, economic and academic discrimination in the schools has trivial educational effects.

These assertions are of such importance that it is patently irresposible to make them without the most rigorous objective verification or refutation. If they are valid, then it would follow—in spite of attempts by Jencks and his associates to support desegregation for reasons other than improved academic achievement—that the critical factual basis for the tortuous school desegregation struggle is removed. The desegregation issue would thus have to be fought out again on the Constitutional grounds of equity and justice within the isolated power of the equal protection clause of the 14th Amendment—and the general protection promised to all of its citizens by a Constitutional government.

The Jencks contribution to the increasing social science litany of immobility and despair for minority-group youngsters is a significantly new and novel one. These children are not only blocked by their culture and their genes, but they are now also being blocked by the inherent meaninglessness of the schools. If education itself is of no value then there can be no significance in the struggle to use the schools as instruments for justice and mobility. Jencks has closed the circle. The last possibility of hope for undereducated and oppressed minorities has been dashed. The social scientists have now provided policy makers with the invaluable rationale that, given the insignificance of schools as an instrument for translating the promises of democracy into reality, there is in fact no realistic need either to desegregate schools, decentralize schools, equalize expenditures for schools or, for that matter, even adequately maintain schools.

From the perspective of this observer, it is a matter of significance, not coincidence, that the closing of the circle of doom comes at a time in American history when Negroes and other dark-skinned minorities are increasing their demands for the reality of equal education. It comes at a time when the Federal courts have ordered State and local educational policy makers to reorganize the public schools so that previously rejected minorities will share the realities of educational opportunity. It is possible to interpret the tight, interrelated pattern of social science cant as a sophisticated intellectual form of white backlash, a response to the important educational demands and advances achieved in concert with the civil rights movement of the late 1950s and 1960s. The unseemly haste with which policy makers have clutched at these straws of social science for the maintenance of the educational *status quo* would seem to support an interpretation of congruence between regressive educational policy, and sophisticated, prestigious and well-publicized social science reports which detail the limitations of public education.

A literal interpretation of the Jencks findings would suggest that one way of dealing with equalization of expenditures as demanded in the *Serrano* and *Rodriquez* cases would be for the courts and policy making groups to reduce the expenditures in the various school districts to that of the minimum district. If schools are as irrelevant as suggested by Jencks and his associates, and if expenditures in schools bear no relationship to the acquisition of cognitive skills, then it would follow not only that the minimum expended on schools would be acceptable to those school districts which have already reached the tax limits, but that this approach would

fulfill the democratic requirement of equality. On its face, this is a preposterous position. In spite of the elaborate pretenses of computer analysis, the Jencks thesis is countered by general observation, folk knowledge, insight, and by our national history—a history in which previously deprived groups of European immigrants, themselves handicapped by the burdens of language and cultural differences, came to America and used public schools as the chief instrument for their own economic and social mobility.

The Jencks report cannot successfully obscure its arrogant demeaning of contemporary social science. To this observer the report betrays the underlying racial biases of itself and of similar reports and theories which have in common the unquestioned premise that public schools are impotent—in themselves—in facilitating the educational, social and political mobility of dark-skinned children. White policy makers generally do not find this type of historical and empirical distortion difficult to accept when the victims of educational neglect are non-white. These social science rationalizations for the benign neglect or malignant rejection of non-white human beings in America both reflect and reinforce the the pervasive racism of America.

It seems incredible that well-trained minds could ignore the facts which demonstrate that there is a consistent relationship between total life-time income and years of schooling. In addition, it is an embarrassment to restate these facts since it is difficult to comprehend why or how a group of social scientists who are experienced in educational research could publicly define the primary function of education almost exclusively in terms of economic reward. Unfortunately, nowhere does the Jencks report seriously discuss the educational goals of social sensitivity, respect for justice and acceptance of differences among human beings. And Jencks and his associates missed, or deliberately ignored, the chance to define as important the need of our educational system to reinforce in children their potential for empathy and dignity.

More specifically, nowhere does this report discuss such critical educational variables as the relationship of the attitudes of teachers and their abilities to respect and conserve the humanity of their students without regard to superficial differences, and to foster cognitive and personal development.

Probably the most grievous limitation of this report is that it attempts to understand the role of schools and the problems of inequality in education as if these were isolated from the total complexity of attitudes, values, and institutionalized inequities which characterize this society as a whole. This deficiency is *not* dealt with by the Jencks assertion that inequality in the schools will not be rectified except in the context of a total pattern of economic and political reorganization of the American system. This last minute bow to the radical stance is neither radical nor inconsistent with the report's permeating bias. In effect, it states that present educational inequities cannot now be remedied until some future Utopian political reorganization is obtained—probably by magic. Only then would there be any remedy for educationally neglected children. This is a cruel condemnation of these children to a lifetime of the negative consequences of educational deprivation. These children have but one lifetime within

which they can either be destroyed, relegated to the dungheap of human debris, or provided with the necessary skills and strengths to become constructive citizens. They are not expendable—either by the indifferences of politicians, the insensitivity of educators, or the fashionable psuedo science of academicians.

Social scientists who by their glib, factuous willingness to compromise the fundamental humanity of dark-skinned children and who by doing so provide public officials with rationalizations for regressive policies of malignant neglect are not only accessories to the perpetuation of injustices; they become indistinguishable from the active agents of injustice. This role raises the serious question of whether social scientists and the type of research for which they are responsible should be permitted to have any direct role in decisions on important matters of equity, justice and equality among groups of human beings.

Jencks himself asserts, "Academic opinion has vacillated from one side to the other, according to the political mood of the times." This observation is disturbingly true—although there were no indications that Jencks and his associates were disturbed by this fact and its implications. They did not seem to understand that in this role of follower of the "political mood" social scientists are indistinguishable from politicians. And certainly they then tend to become dependent upon the politicians for small consultant favors or public exposure, and seemingly for political influence. Under these conditions social scientists, in spite of their scientific pretensions, are no more dependable in the quest for social justice than are other citizens.

What should be their primary allegiance in the tortuous quest for truth is subtly subordinated to the temptation to seek power, fame and political influence. They then, in effect, become politicians, using scientific jargon, methodology and computers in an attempt to disguise their essentially political role—a disguise facilitated by identification with a prestigious academic institution.

Of course, as citizens of a democracy, social scientists like all other citizens cannot be denied their constitutional right to seek to influence policy and decisions. Nor can the issue of the subordination of the pursuit for truth to the practical problems of political reality be raised only in regard to certain social scientists. Educators, clergymen and those social scientists whose political values one identifies with, must also be required to meet the test of objectivity.

Freedom of speech and inquiry must be preserved and protected for all citizens in a democracy—and certainly these rights must be protected for social scientists without regard to their particular social biases. But when social scientists are operating in the important areas of social justice and equity they can claim no special immunity to intense critical scrutiny of their findings, particularly when those findings have clear policy implications. In fact, it is precisely in regard to their policy impact that the findings and interpretations of social scientists must be subjected to the most rigorous critical analysis. In these areas of social justice and equity the contributions of social scientists can only be accepted as merely one of the many considerations to be taken into account in arriving at

policy decisions. Even with a methodology which seeks to assure a higher degree of objectivity in arriving at an understanding of social dynamics, social scientists cannot justifiably claim to be immune from class and racial biases which distort their interpretations.

To avoid the dangers of social science collusion with those who control political and economic power in our society, the public must be alerted to the vulnerabilities—the human frailties—of social scientists. There must be continued reliance upon the political, the legislative and the judicial apparatuses—in spite of their imperfections—for determinations on matters of equity and justice. These democratic processes cannot be permitted to be eroded, no matter how subtly, by a social science posture of omniscience. Nor can the independent search for truth in science be sacrificed on the altars of subservience to political power or of fashionable beliefs and attitudes of the times.

Social scientists must set up an apparatus to monitor scrupulously their own work and involvement in matters affecting social policy. They must assume the responsibility for protecting a gullible public from the seductive pretensions of scientific infallibility which is now being increasingly offered. Social scientists must assume the difficult role of monitoring with vigilance the partnership of regressive politicians and social scientists.

The extent to which the Jencks report starkly highlights these problems and in so doing alerts responsible social scientists to the need to seek answers and techniques for dealing with them, is the extent to which Christopher Jencks and his associates have inadvertently made a significant and timely contribution to the role of social scientists in seeking to help our society move one step further toward humanity.

Black Separatism

The issue of public school desegregation has been further complicated by the fact that within the past five or more years the growth of black separatism emerged as a contributing factor in retarding the process of desegregation of the public schools. It is important to understand that black separatism emerged as a consequence of the slow pace of public school desegregation in the South and as a reaction to the subtle and insidious forms of evasion of desegregation of the *de facto* segregated schools in northern cities. Frustrations arising from the fact that those responsible for policy and practice in the desegregation of schools were not serious in developing and implementing effective desegregation plans gave rise to demands for community control and decentralization of public schools in predominantly black areas of our cities. The lack of seriousness in the implementation of desegregation plans throughout the country contributed to the total pattern of black separatism and strengthened the appeal of black segregationists. In spite of this historical and psychological understanding of the basis of black separatism there remains the overriding fact that the quality of education provided for minority-group children in predominantly black schools continues to be inferior and the psychological damage inflicted upon them is as great when these segregated schools are demanded by, or allegedly controlled by, blacks themselves.

The insidious and persistent resistance of northern whites to the

desegregation of *de facto* segregated schools and the reinforcement of this position by black separatists have now strengthened the overt resistance of southern segregationists to effective desegregation of American public schools. This new and unexpected alliance—this strange spectacle of interracial bedfellows—has confused, temporarily bewildered, or exploited the ambivalence of those southern and northern whites who assumed the risks necessary to obtain and attempt to implement effective school desegregation programs. A presently undetermined number of blacks—still a minority, no greater than 20 percent according to the latest surveys—seem bewildered and uncertain about whether the goals of desegregated schools are still worth pursuing.

During this period of desegregation stagnation a number of educational programs, plans and gimmicks were developed and offered to blacks as substitutes for serious and effective public school desegregation. In spite of the *Brown* decision, southern and northern resistance to desegregation sought to make continued school desegregation palatable and acceptable under one or another contemporary form of the discredited "separate but equal" doctrine. Some advocates of these special "enrichment" programs tried to enhance the salability of their specious products by even suggesting that by some miracle of racial status inversion the separate could be superior.

Compensatory education and enrichment programs were designed to raise the academic achievement of Negro children in predominantly black schools. Some of these education plans appear to have some temporary positive effects. Over a period of time, however, the results from these programs mockingly betray the overriding fact of the inherent inequality in racially segregated schools. Whatever the combination of factors associated with the social reality of the perceived low status of desegregated schools—low morale of teachers, inadequate supervision, inadequate teaching, low motivation on the part of parents and pupils, inadequate educational facilities—the fact remains that racially segregated schools are inferior schools.

The inferiority of these schools continues to be expressed in the fact of low academic achievement and low self-esteem in the pupils who are required to attend these schools. The compensatory educational programs, the infusion of Title I funds and the increase in such funds do not and probably will not change this fact as long as American racism remains the dominant reality of American society and American education.

Resistance to the acceptance of this reality has spawned other attempts to circumvent serious programs for effective desegregation of the schools. In recent years performance contracts and voucher systems have been offered as panaceas and alternatives to effective school desegregation.

The evidence so far supports the conclusion that performance contracts do not result in sustained improvement in the academic achievement of segregated and educationally neglected children. The performance contract approach to this problem is clearly an additional burden on taxpayers and diverts attention from the fundamental problem that inefficiency in the public schools is a responsibility of school officials and school personnel who are paid by the citizens to provide effective education for all children.

The primary educational contract exists between taxpaying citizens and school personnel. Even if performance contracts were found to be more successful than they have been, there would still remain the serious question of how it is possible for an outside group to obtain positive educational results which school personnel could not itself obtain.

The voucher system has been proposed by many distinguished educators as a means for providing parents with an opportunity to choose among private and public schools those schools which they believe will provide their children with a higher quality of education. This approach as an alternative to serious desegregation of the schools also presents serious questions. It is true that for the masses of middle and low income families the public schools have exercised an educational monopoly which has been abused. These parents do not generally have a choice in protecting their children from educational inefficiency through alternative educational programs. It is a serious question, however, whether such choice can be provided to them through voucher systems without at the same time further weakening the public schools; accelerating the growth of private racially and economically segregated schools and academies supported at public expense; and, most important, retarding and regressing the rate of public school desegregation even more than at present. The indications are that there are no effective safeguards against the abuses of a voucher system and that such a system is likely to proliferate segregated schools. Those who are still seriously concerned with desegregating the public schools and raising the quality of education in these public schools should be cautious in any support of voucher systems; in fact, such systems should be opposed.

The combined problems of public school desegregation and equitable financing of local public school districts have emerged dramatically as a result of the decision in the *Serrano* case. In this case, the California State Supreme Court held that inequities in expenditures for public school education among various school districts in a given State were violative of the equal protection clause of the 14th Amendment. While this judgment has not yet been confirmed by the United States Supreme Court there is every reason to believe that there will be a greater involvement of the States in financing of public education at the local level. The increase in State involvement will have to be in the direction of equalization of school expenditures among the districts throughout the state. If this is true, then the states will have to take a more active part not only in the financing of education, but State education boards and commissioners will have to be concerned with educational standards and the actual achievement of pupils in the local school districts throughout the state.

In fulfilling this basic evaluative responsibility, the States will have to develop effective instruments for measuring the educational efficiency of the public schools and, therefore, will have to deal more objectively with the critical problem of educational accountability. If one could assume that greater involvement in the financial and physical support of public education on the part of State educational bodies would directly or indirectly facilitate the process of public school desegregation this would be most desirable. Those of us who are concerned with facilitating general

public school desegregation should therefore support enthusiastically this new development. There is still the question of whether the opponents of desegregation could so construe and implement the Court's decisions on State responsibility for the equalization of expenditures among school districts as to retard rather than to facilitate public school desegregation. All such attempts should be watched most vigilantly and resisted intensively.

Anti-Busing Legislation

Probably the most effective technique by which the *Serrano*-type approach could be blocked as an effective approach for desegregation would be through the passage of anti-busing for desegregation statutes or constitutional amendments on the State and Federal level. All of the proposals for prohibiting the transportation of students for purposes of desegregation are racially restrictive proposals. President Nixon's explanations for his assuming the leadership in obtaining anti-busing legislation must be rejected for the following reasons, among others:

1. They are racially restrictive in that they seek to prohibit transportation of students for purposes of desegregation while permitting transportation of these children for all other purposes.
2. The reflect that fact that the President of the United States is using the power of his office in a racial controversy on the side of those who have been consistently opposed to equality of educational opportunity for racially rejected minorities.
3. They represent the first attempts since Reconstruction to have the legislative branch of the Federal government enact legislation which would constrict or qualify the rights of minorities.
4. They represent an attempt on the part of the President of the United States not only to slow the pace of public school desegregation, but to return the civil rights movement to a point at or before the *Plessy* "separate but equal" stage.
5. The President's proposal would seek to restrain the Federal courts as an independent protector of the rights of minorities against the oppression, passions and prejudices of the majority. In short, the President's proposal, intentional or not, could lead to a resegregation of those school systems that have already moved toward desegregation.

In seeking to turn back the clock of racial progress in America, President Nixon and his advisors must be aware of the fact that he is threatening the constitutional protections of all Americans—and that in doing so he is eroding the foundations of a constitutional government, substituting a government by the tyranny of whim and passion rather than a government of law. This is the very high price of racial prejudice and political expediency which he seeks to extract from all the American people—white as well as black.

In this regard it might be significant to note that in seeking to justify his position, the President stated that some black separatists were in favor of anti-busing legislation. The fundamental constitutional questions, however, are not answered by this diversion. Constitutional rights

can no more be abrogated by the alleged desires of the victims of oppression than by those who would seek to oppress.

In seekinng to obtain control over all black schools and insisting upon racially segregated schools through their support of anti-busing for desegregation legislation, black separatists are not only pursuing an impossible mirage but they are also, cynically or naively, giving aid and comfort to those who would use the laws of the Federal government to constrict the rights of Negroes—and to erode the democratic rights of all American citizens. In this regard they are indistinguishable from racial reactionaries—and they are accessories to the crime of destroying the democratic safeguards inherent in our constitutional government of checks and balances.

Inadvertently, President Nixon's gratuitous, inconsistent, dangerous —if not morally irresponsible—partisan involvement in the anti-busing issue could have a positive effect. It is possible that this flagrant politically expedient position of the President of the United States could boomerang by alerting and reminding the masses of the American people about the more serious problems of public education which remain to be resolved. The meretricious may sometimes make the genuine more clear.

The transparent hypocrisy which now surrounds the anti-busing controversy could have beneficial consequences if it forces those of us who are concerned with the quality of public education to restate our goals, re-examine our strategies and tactics, and to mobilize our resources and redouble our efforts to obtain for all American children that quality of education which might prevent them from making the near fatal blunders of their parents.

We must state without apology that the primary issue is the issue of a form of American education appropriate to the multidimensional complexities of a present and future world. America cannot afford an educational system geared to a world of the 19th and early 20th century social realities. We must educate American children for a world in which the white President of the United States and his wife are required to visit the non-white heads of China. Education for the future must accept the fact of diversity among the peoples of the world; must accept the fact that the status relationship between whites and non-whites has abruptly changed and will continue to change; and must accept the fact that, if mankind is to survive, these changes must be accepted affirmatively and somehow made an integral part of the educational process. We must now re-double our efforts in the struggle for desegregated schools because we are concerned with obtaining this high quality of humanizing education for all children. We cannot permit them to be educated in ways which will perpetuate the ignorance, superstitions and injustices of the past—this type of education will be fatal for the future.

It is ironic, but probably inescapable, that the burden of insisting upon an education essential for future survival must be borne by America's rejected minorities—those who have been the more obvious victims of educational neglect—those who have been educationally and economically most exploited. But this is just another burden which American Negroes have been required to bear in the seemingly endless struggle for justice

in America. Each victory obtained by American blacks strengthens the base and protections of democracy for all American citizens.

We can contribute to the strengthening of the base for democratic education in America by insisting upon the desegregation of American public schools. We must insist upon this because racially segregated schools cannot be equal in a racist society—and there is no need for racially segregated schools except in a racist society. We must also argue that racially segregated schools damage white children as much as they damage black children. Racially segregated schools contribute to the moral and ethical retardation of whites even as it contributes to academic retardation of blacks. America's white children who are the products of racially isolated schools are required to struggle with inner moral conflicts, guilt, a gnawing sense of alienation and personal incompleteness. These certainly must militate against a sense of personal fulfillment and are antithetical to that quality and substance of life essential for humanity.

We must insist that the education now being provided for children in predominantly black schools be now raised to a tolerable level of academic efficiency. We must demand an improved quality of teaching and supervision in these schools—and we must insist upon reasonable standards and criteria of accountability which will guarantee that these children are not being shortchanged by those who are being paid by taxpayers to teach them. The schools, school officials, supervisory and teaching personnel must be made more responsive to the needs and aspirations of pupils and parents.

We must see that parents who care about the education of their children become actively involved in assuring high quality of education in our schools. Parents cannot passively accept educational inefficiency.

They cannot and must not accept the prevailing alibis among educators as to why their children cannot be taught to read or to do arithmetic or to speak and write correct English. These excuses are destructive to our children. They must be challenged and rejected by concerned parents.

It is hereby proposed that those of us who are concerned with this most serious business of improving the quality of education for black and white children—those of us who are concerned with the immediate and eventual desegregation of American public schools—give some thought to the development of parent organizations in every urban school district which would have the following primary objectives:

—protecting the educational rights of their children in the public schools;

—holding the school system *accountable* for their children's achievement;

—involving themselves in appropriate methods in the actual education of their children, within and outside of the schools and classrooms;

—monitoring and lobbying in local, State and national legislatures for effective educational programs to benefit their children (rarely is there a group or agency representing the interests of parents and pupils when educational legislation is being discussed and passed by government officials);

—and above all to protect the general educational interests of

> black children who have been neglected—consigned to the educational dungheap—by an insensitive society.

It is all too tragically clear that black children are considered and treated as if they are expendable. Those blacks and whites who would use them as pawns in a gruesome and self-defeating power game, do not yet understand that to sentence millions of children to the prison of segregated educational inferiority is to perpetuate that pattern of social pathology which threatens the stability of the whole society. No one is so privileged as to be immune from the dangers inherent in a hard core of the uneducated within the heart of our cities.

Even as we redouble our efforts to increase the quality of education for our children; as we seek greater accountability in our schools; as we seek more equitable financing for all local school districts; as we fight the diversionary educational gimmicks; as we reveal the political hypocrisy of the anti-busing for desegregation advocates; and as we seek more direct control over the operation of the schools attended by our children—we cannot permit our understandable enthusiasm to obtain these objectives to delude us into believing that we can obtain high quality education for our children within the framework of racially segregated schools. All positive educational programs worthy of intelligent support by blacks and concerned whites must be compatible with the actual process of desegregation—or must be a step toward eventual desegregation of the public school system.

The bait of "separate but equal" education is as spurious now as it has been since the post Reconstruction era. Let me, therefore, conclude with the words of the United States Supreme Court:

> "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.."

It is even more urgent now that this dictum be the standard by which we judge all educational proposals, policies and programs. Only from this perspective will be be able to protect the future of our children and be worthy of their respect.

THE OUTLOOK FOR PUBLIC SCHOOL REFORM

by David K. Cohen

Two ideas have dominated American thought about education during the last half-century.* One is that schooling is the key to mobility and social justice; the other that it might be a major instrument of social and cultural integration. Education has long been seen as both the chief antidote to poverty and the principal means for assimilating ethnic and racial minorities. While there always has been evidence to belie these notions, it went virtually unnoticed until the late 1960s. Since then, however, events have cast serious doubt on these two venerable articles of faith. It no longer seems so clear that education is the high road to equality or social integration.

The most perplexing issue is the relation between schooling and social justice. By 1965 the Federal Government had launched several major initiatives in education—principally Headstart and Title I of the 1965 ESEA—whose main thrust was to improve the life chances of poor people, especially blacks, by improving the quality of their education. A year later, in the Federally sponsored *Equality of Educational Opportunity* report, James Coleman announced that differences in the quality of the nation's schools bore only a trivial relationship to differences in the educational achievement of the nation's students. The issue seems clear: *can education be the key to social justice if schools have no differential effect on children's achievement?*

Early results from the new education programs offered one answer. By 1968, newspaper accounts of the failure of local Headstart and Title I programs had become commonplace. By 1969 several national studies of these programs had found no discernible impact on children's performance in school. And early in 1970 the White House released a special presidential message on education, which argued that Federal education spending should be held down until new research could turn up some answers about the schools' effects on students.

All of this is puzzling. If the schools "make no difference," as Coleman's research seems to show, why spend more on them? Several early critics turned up an impressive list of technical problems with which to undermine the report's credibility, but reanalysis of the data (with many of the difficulties corrected) corroborated the original findings. Still, the results boggle the mind. Do they indicate as some hold, that government

*This section is based on paper published in *Dissent*, April 1971.

will not effect social change by improving social services? Should it then stick to direct income transfers? Others leaped to different conclusions. Arthur Jensen interpreted the reported failure of compensatory programs as evidence of underlying racial differences in the inheritance of intelligence. Many liberals and radicals think the results prove that liberal social welfare programs cannot work as long as they are controlled by centralized bureaucracies. Spending more money on social programs will be futile, they argue, until the programs are made accountable to those they are supposed to serve.

One result of all this has been a sense of trouble within the liberal coalition, which has experienced spectacular political fragmentation during the last few years. This fragmentation has been paralleled by growing evidence of disillusion with liberal programs. Just as the political cement of the liberal coalition seems to be dissolving, the intellectual legitimacy of its program has been seriously weakened.

The challenge has come not only from research or program evaluation. Changes in the politics of race during the past five years have created uncertainty about school reform. Until late in the 1960s there was little confusion among liberals about school segregation. Despite much controversy and some reluctance to press ahead, there was never any doubt that racial desegregation in schools and housing was a structural prerequisite for the full social integration of black Americans. Now all that is changing. The debate is no longer over the pace of desegration, but whether it should occur at all. Outside the South, the most articulate opponents of school integration are blacks who argue that desegregation amounts to little more than brutal assimilation; that black children need education responsive to their special backgrounds; that the only way to attain this is by setting up black community-controlled schools within the public system.

Though many of the arguments for community control or decentralization are historical—stressing the slowness of southern school desegregation and its virtual absence in the North—these really distract from the main point: the path to social integration for American minority groups is now seen to lie in group solidarity—cultural unity, community economic development, and political control of community institutions. In this view, the public schools should help develop managerial and political competence in the adult community, serve to create and transmit an authentic black culture, and instill a sense of group identity and pride in black students.

Now, whatever one may think about the merit of these ideas, several facts are accepted by all. First, almost no one thinks that this is the way the public schools worked in the past for immigrant children, when blatant assimilation was the rule. Second, the demand for community control violates a cardinal rule of ethnic politics in America: it overtly proclaims ethnicity as the basis for organizing public institutions, rather than leaving the principle undeclared. Third, one of our most fondly held ideas is now bluntly challenged—that in the public schools children of all creeds, colors, and nationalities come together helter-skelter to learn from one another about life in America.

No surprise, then, that the movement for community control has profoundly shaken liberal thought about education and social reform. For

it carries the unmistakable suggestion that racial and ethnic integration may not be a good thing; and whatever the *facts* of group life in America may be, the structure of our politics and folklore rests on the notion that this is a nation of individuals, not groups. While we may be able to tolerate the fact of group distinctiveness, it is less easy to tolerate its recognition as the explicit organizing principle of cultural and political life. To say that the schools should create and transmit a distinct ethnic or racial culture, rather than transmit the common culture, is simply heresy when viewed in the light of received doctrine.

Crisis in Confidence

The shock these ideas convey has been magnified by the research revelations I discussed above. One obvious rejoinder to pleas for community control has been that political and administrative separation will disadvantage the black community in the competition for scarce educational resources. Yet how can one maintain this argument in the face of evidence that variations in the quality of schools—whether measured in dollars or staff qualifications—relate not at all to student achievement? As Christopher Jencks argued more than a year ago, if schools have little or no effect on students' achievement, it would seem perverse to resist community control. The only remaining argument against organizing schools along ethnic and racial lines is that it would contribute to divisiveness; but that, after all, is just what the proponents of community control proclaim to be the underlying principle of intergroup relations in America. No wonder they find the objection unconvincing.

If these developments have undermined the legitimacy of accepted ideas about schooling and social reform, they also have encouraged such proposals for diversifying public education as tuition vouchers, performance contracts, subcontracting curricula, and direct public subsidies to private schools. Of course, support for these ideas does not arise solely from the recent crisis of confidence in schooling. It derives in part from a long-standing desire more fully to reflect religious and ethnic differences in publicly supported education, and in part from a more recent upsurge of interest in free schools, alternative forms of schooling, etc.

Several religious groups, especially Catholics, have a strong interest in supporting parochial education, and their legislative activity toward this end has increased markedly during the past few years. Several states have passed parochial aid statutes, and others seem almost sure to do so in the near future. There is, of course, nothing new here, save the greater pressure for public aid. But tuition vouchers, aid to alternative or free schools, and diversification of existing curricula are more of a novelty. The main support for these notions lies outside the established religious and ethnic groups; it is found in certain segments of the urban middle and upper-middle class. Such demands express not a desire to reflect more fully traditional intergroup differences in the school system, but to allow more freedom for individual expression in the quality, style, and character of schools. They parallel the growing class conflict that has begun to emerge over the character of university education.

The chief developments of the late 1960s have, then, a remarkable political coherence. Both the "failure" of major domestic programs and the finding that education institutions have little effect on students reinforce the idea that the traditional liberal approach to social reform is bankrupt. These developments provide grist for radical and conservative elements who—for a wide variety of reasons—believe that liberal reform must or should fail.

The legacy of the 1960s can be reframed as questions for the 1970s:

—should choice in public education continue to be constrained by family budgets and school jurisdiction boundaries?

—should expenditures on education continue to play a major role in government efforts to combat the effects of poverty and discrimination?

—are there ways to improve education in the great cities through metropolitanizing government?

One way or another, the main problems in education will turn around these issues. It is worth speculating about what the answers ought to be.

The Issue of Spending

The issue of spending is so vexing that there can be no quick answers. The pressure to continue the upward trend of educational expenditures will increase, but will greater spending on school for poor children improve their chances later in life? The evidence on this point is mixed, and likely to remain so for some time. We know, for example, that highly structured preschool child-and-parent-training programs markedly improve the children's cognitive ability; we also know that when the programs are discontinued the children's test ability slumps. But at the moment we don't know how long such efforts would have to be extended to avoid this slump. We also know that the number of years of schooling people complete is strongly related to their later occupational status. We do not know, however, whether less educated people of the same initial ability and motivation as those who complete college wind up at the same place on the occupational ladder.

There is some evidence that students with better test scores and grades complete more years of school, but it is easy to imagine that those with the higher scores were socialized at home to the sorts of behavior that make for success in school. Whether it is test scores or primary socialization that cause the relationship is presently unknown. But let us suppose we knew that higher test scores caused more years of school to be completed, and that completing more years of school caused higher occupational status; still, very little is known about raising test scores, except at the preschool level.

All the experience with elementary-grade compensatory programs suggests that simply spending large sums of money on such gross changes as reducing pupil-teacher ratios has little or no noticeable effect on students' test scores. Some researchers have speculated that more refined approaches—changing teachers' behavior and attitudes—will help, but there is next to no evidence for this, and there are no clues how it might be done. Research on these issues will be difficult and time-consuming. It

demands large-scale study and experimentation, which is both expensive and politically burdensome. The Federal Government has shown only limited enthusiasm for this, and has not yet developed the capacity for carrying out even the present limited efforts in a satisfactory fashion.

In this situation, several courses of action are available. One is to hold all spending at current levels until research provides the "answers." But to do research well requires a political commitment to improving Federal social action experiments, and as the present administration reveals, those politicians who are enthusiastic about reducing costs are ambivalent about experimenting with social-action programs. Help will not soon be forthcoming from this quarter.

A second option is to shift social expenditures to more direct income transfers, such as income maintenance and job-creation programs. This is a sensible approach, not because research shows it to be better, but simply for commonsense reasons. One purpose of the Kennedy-Johnson education programs, after all, was to eliminate poverty. The notion that education is the best and most efficient way to accomplish this is an old one—our faith in its transforming power has been the basis of compensatory and social-welfare programs since the late nineteenth century.

Schooling has traditionally been conceived as a mechanism of reform whereby the rewards of adult life would be distributed on the basis of talent rather than inheritance. It is a notion peculiarly suited to liberalism, for the redistribution of social and economic status promised through education does not threaten to reduce the magnitude or importance of class differences. Far from it, schooling-as-reform promised only that inequalities would be more consistent with qualification than with birth. This approach to social reform rests on a desire to promote fairness in the distribution of privilege, but without attacking the distribution or ownership of property. Its appeal is that all problems of the direct redistribution of wealth are deferred, and translated into a matter of individual ability and effort in schools and the market.

Has this ever been the way the schools have really worked?

All the evidence suggests that the school system has "worked" principally for groups well-situated to make the most of the academic meritocracy that has evolved over the last six decades. The main prerequisites seem to be competence in the schools' language (formal English), an ability to maneuver in fairly complex urban social systems, and a cosmopolitan cultural orientation.

Children from those immigrant groups which consisted mainly of non-English-speaking peasants, oriented toward village societies (southern Italians, for example, or Poles), fared abysmally in the public schools; peasant immigrants from English-speaking countries (the Irish), fared a good deal better, the Jews, who were on the average a good deal more urbanized and cosmopolitan, performed remarkedly.

What is more, evidence on the relation between schooling and later adult social status suggests that the role of education in promoting upward mobility varies enormously among ethnic groups, and in just the ways we would expect; those groups whose children did well in school show the strongest effect of schooling on social status.

The schools, then, have been most effective in redistributing privilege for already urbanized groups in other ways well-prepared to cope with the academic merit system. It is quite a leap from this, however, to the idea that schools can be primary engines of reform for less urbanized groups. Not only is the notion contradicted by the schools' past performance, it seems unlikely on its face. The elimination of poverty seems much more likely to be accomplished by a direct attack on the structural differences in occupation and income, as well as the other barriers to the possibility of a humane life. This course, however, is much more costly, and inconsistent with established ideas about schools and social reform. In my view, therefore, the "failure" of recent social action programs in education simply manifests the results of misdirected efforts. It does not prove that decentralized government is required to make social programs work, any more than it proves that social programs do not work. *If it proves anything at all, it is that greater equality cannot be purchased cheaply.* The new education programs allocate relatively little money to poor children, and almost all of it is used to pay the salaries of school professionals.

Although no one knows what all the effects of income transfers would be, any money spent directly on increasing the income of poor people would be much more effective than money spent on the school programs. In any case, since both have the same purpose—eliminating poverty—it is hard to see how income transfers could be less effective.

The fact is, however, that few government programs are ever reduced, let alone halted. The growing power of the education establishment's national lobby (evident in the 1970 session of Congress), makes it doubly unlikely that Federal antipoverty funds will be shifted from education to other categories. Thus the new education programs—which were supposed to benefit poor children—will continue to support the educational professions with little visible benefit for the children. Under these circumstances, it is not enough to argue for future expenditures to provide direct income transfers to families—that may be some time off. Other ways must be found by which these programs can directly benefit the people they are supposed to help. In the present circumstances, this can only be accomplished through increased community influence over the allocation of resources. At a minimum, this would increase the likelihood that the programs would be used to support more direct assistance to the poor, in the form of food, clothing, health care, etc.

Thus, the answer to my second question is that expenditures on education probably ought not to play a major role in any serious effort to combat the effects of poverty and discrimination. But as existing programs are not going to disappear, the community that is involved should have a major voice in the allocation of these resources. I do not regard this as a pessimistic reflection of the efficacy of liberal social programs, but rather a reflection on the limitations of the liberal notion that schooling is always a suitable instrument for redistributing wealth and status. *We may be learning that equality cannot be gotten in the bargain basement, by trying to teach the children of the poor to behave differently, while all the other conditions of their lives remain unchanged.*

Diversification Worth Considering

Pressures to widen the framework of educational choice come from two sources: those who want to abandon district lines altogether in favor of individual decisions, and those who simply want to redraw jurisdictional boundaries around smaller and more homogeneous school communities. Both notions rest on what appear to be similar assumptions:

(a) Smaller units of educational choice would provide greater efficiency—there would be a better match between the schools' taste in pupils and the parents' taste in pedagogy. Because parents would have more leverage on schools, students would perform better;

(b) Smaller units of educational choice would provide the material with which those blacks and whites now disaffected from public institutions could regain a legitimate polity, since smaller units of choice would establish a new social contract around the schools;

(c) Smaller units of choice would allow more educational variety than is possible within the present overregulated and standardized school system.

Despite such similarities in assumption, the two sorts of proposals are by no means identical. They rest, for example, on fundamentally different ideas about the role of government. The individual choice schemes suit the taste of those who have an antipathy to government and bureaucracy; by now these sentiments are no less strange on the political Left than on the Right. By way of contrast, proposals for decentralization and community control appeal to those who regard government as an agency for social change. The notion is that government at the community level should have more impact on educational decisions; this assumes that political communities, not individuals, are the proper units for making decisions about the allocation of public goods. Once we strip away the rhetoric about bureaucracy, it becomes clear that *one likely implication of community control is that education would be governed more rather than less.* The other group of proposals, by contrast, rests on the notion that decisions about education should be based on individual choice, and that government should have a much smaller role in making them than it now does. This assumes, of course, that the public interest in education is relatively small compared to private interests, and it implies that school reform is mainly a matter of reducing government control over schools.

Diversification of some sort is desirable. School government in the cities has grown in ways that weaken accountability without improving efficiency: transportation and other support systems require metropolitan or regional government (because they would be either economically more efficient, or administratively and politically less clumsy).

There is, however, no evidence that this is needed for schools. In addition, city schools do not reflect as well as they might the large underlying diversity of taste in education: in fact, for most of their history the public schools have sought to avoid or deny these differences, especially if the were related to class or ethnicity.

The question is whether diversification could be arranged without becoming politically retrograde. The two leading schemes are decentral-

ization and tuition vouchers, but both could increase segregation by race and class, and they might produce greater disparities in the distribution of educational resources that exist now.

Decentralization would be a desirable alternative if there was any evidence that smaller school districts would permit a greater range of alternatives for parents. But that is not the case. Decentralization would presumably increase diversity within a given city by giving communities more voice in decisions about staff, curriculum, and style. For parents in any given district, however, the range of choice would be no greater—it might even be less; black parents in black districts, for example, might have more difficulty transferring children to integrated schools than is at present the case. Decentralization would probably not only increase segregation, but by drawing new district boundaries around "neighborhoods," would lock residential patterns into place with new jurisdictions.

Decentralization is a suitable alternative, then, if one believes (a) there are no important variations in the demand for education within communities, and (b) no values in integration. The first is clearly untrue, for while the major variations in the demand for schooling probably do lie among ethnic and class groupings, residential segregation by ethnicity and class is far from complete. As for the second, whatever one's own view, many black and white parents do prefer integration. Other things being equal one would not want to impede the expression of *that* variation in taste for schooling while allowing the expression of others.

Tuition vouchers would not be subject to this difficulty, for they would permit parents to choose whatever school they liked. Blacks in mostly Negro districts who preferred white schools would not be restrained by their community of origin; upper-middle-class families in working-class neighborhoods would not be restrained by a local governing board from enrolling their children in a "free" school. This, of course, is the great appeal of vouchers: by allowing "communities" of very limited liability to come together around schools, vouchers permit the fullest expression of variations in the demand for schooling.

But therein also lies their great difficulty: would not the individual freedom to choose schools also imply freedom to restrict the attendance of others? Negro parents might want to enroll their children in mixed schools, but whites could prefer it otherwise. An unrestricted voucher scheme could harden patterns of segregation even more effectively than decentralization.

There are ways in which these problems might be avoided. If racial discrimination in admission were forbidden, and if fiscal incentives for accepting poor children (and thus promoting economic and racial integration) were offered to schools, many of the problems would probably disappear.

If in addition a large proportion of students in all schools were admitted by some device for random choice (a lottery, for example), there would probably be more integration under a system of voucher-financed schools than there is now in most public school systems.[1]

1. This discussion is a condensed version of suggestions that can be found in *Education Vouchers*, a report on various voucher schemes produced by several staff members of the Center for the Study of Public Policy, in Cambridge.

The difficulty is not in conceiving ways to avoid segregation, but in imagining how they might be implemented. It is not easy to see how the legislature in states like New York or Michigan would approve legislation of this sort, when the have recently evidenced such distaste for other, more limited, approaches to school integration.

Racial segregation is not the only major problem that would arise under these schemes. If either neighborhoods or individuals were made the basis of educational choice, the existing class disparities in the allocation of school resources might grow. State equalization formulas would retard this somewhat in many states, but the disparities there are still great. Poor districts—those with low assessed valuation and/or a greater burden of municipal services—typically must tax themselves much more severely to raise school funds than districts with less burden and greater wealth.

At the individual level, tuition vouchers could avoid part of the problem, at least, by making the size of vouchers an inverse function of family income, and prohibiting parents from spending more on the children's schooling than the value of the voucher. While the first would not be a major problem (schools could be given more money for enrolling poor children), it is hard to see how the second could be effectively enforced without creating the sort of bureaucracy tuition vouchers are supposed to dissolve.

It would be a mistake to suppose, however, that under either scheme the educational advantages of wealth would be eliminated. At best they would be somewhat reduced, within the narrow limits that are politically acceptable. Thus, the question is whether the inequalities likely under decentralization or vouchers would be greater than those we now have. If we assume the sort of admissions restrictions discussed just above, present levels of state equalization for decentralized districts, and moderately strong fiscal incentives for enrolling poor children, I suspect there would be little change.

There would, of course, still be plenty of private schools outside the system (most of the exclusive schools would not accept lottery admissions), just as there are now; but as is also now the case, they would receive no direct tax subsidy. Within decentralized or voucher-supported schools, inequalities in the ability to support schooling would surely remain; but given the assumptions I have made, it seems unlikely that they would be larger than those we now have.

Even this cursory review of these two alternatives suggests that diversification schemes are worth considering. On balance, I have come to regard the voucher plan as more desirable. It does not restrict individual choice as narrowly as community government would; it would be likely to result in more integration and provide the foundation for greater diversity. The problems, however, lie not in the scheme, but in the restrictions I have assumed. Their desirability is probably an inverse function of their political feasibility. The voucher scheme most likely to succeed in a state legislature would be one that satisfies the most powerful interests—none of which are poor or black. Such a scheme would be unacceptable. Similarly, the most likely decentralized schemes are those that change the balance

of power only slightly. It would be no surprise if the decade passed with little progress on either front

There are, of course, other approaches to diversification, most of which center on the idea of contracting out the school program. James Coleman has suggested that segments of public school curricula (math or reading) be subcontracted to nonschool agencies, such as community corporations, profit-making firms, or nonprofit institutions. Their scale of payment and/or parents' patronage would be contingent on the contractors' performance in teaching the children. This idea has been carried further by the Office of Economic Opportunity recently, in experiments with contracting the entire school program. The "performance contract" experiments involve conditioning contractors' fees on children's performance. Although this approach has some promising elements—unlike the present school system, educators would be rewarded for doing better with the students they have, rather than for teaching in school where the students already do well—there is a swarm of problems, including fraud, social class differentials in access to information, and antiunion practices. Chief among the difficulties, however, is that the criterion of success in all cases is the children's standardized test performance and, as I pointed out earlier, there is little evidence that this is salient in any way to later success. It would be perverse to further entrench reliance on test scores, and to restructure incentives more firmly around them—unless we knew that they bear some powerful intrinsic relationship to adult achievement.

The outlook for significant progress toward diversification of the school system is not terribly hopeful. Nonetheless, it seems likely that for the foreseeable future the main issues in education will center on diversity. This is not a trivial matter, but much of the interest in it—indeed, the concern for the school "crisis"—arose from efforts to eliminate race and class disparities in the outcomes of schooling. There is, however, no evidence that changing the framework of choice in education will have much effect. It may be that the schools' "failure" to affect the transmission of status from generation to generation will only serve to focus attention on the political arrangements governing education, rather than on the more important need to directly attack the underlying social and economic inequalities.

Metropolitanism in Education*

The traditional arguments for metropolitanism in education turn around finance, integration, and efficiency. I will take these up in order.

Finance: The discussion of metropolitan fiscal problems has been underway for more than a decade. Central cities are believed to have less money for schooling than their suburbs. This is attributed partly to the greater competition for tax revenues in cities, partly to the weaker city tax base, partly to higher school costs in cities, and partly to the presumption that children in the cities are more costly to educate than their suburban counterparts.

This widely accepted argument does not entirely square with the

* This section is taken from a paper written jointly with David King, published in *Metropolitanism and Public Services*, Research for the Future, 1972.

facts. Most central cities do not have less money for schooling than their suburbs: at worst, the cities are close to the average for local expenditures within their metropolitan areas. But if the poverty of city school districts is not reflected in an absolute disparity in revenues, it is evident in several other ways. The older northern city school systems have grown less affluent relative to the average suburb. It is necessary, however, to diversify our conception of the jurisdictions included in the designation "suburb." In reality, the central cities' fiscal problems represent only one manifestation of the fiscal burdens that afflict older northern urban school districts of any size or location.

These districts experience higher-than-average competition for revenues, a tax base depressed by low residential valuation and industrial blight, and more poor children than most other metropolitan districts. (In Massachusetts, for example, the public schools in roughly a dozen such cities enroll more than nine out of every ten children from welfare families in the entire state.) Thus, the "crisis of the central cities" is not as neatly limited as the phrase implies; indeed, it is the crisis of all older industrial cities, whether "central" or not.

It is easy to imagine ways of correcting this situation. But, apart from creating a metropolitan tax district, none of these solutions would be uniquely metropolitan in character. One approach has been proposed by Governor Milliken of Michigan; its keystone is the establishment of both a uniform statewide tax rate and a fully equalized assessment. Districts would be taxed uniformly, and the results distributed in such a way as to take cost variations into account. Another approach urged by John Coons, would revise State School-aid apportionment formulas so that an equal tax effort in any two districts would produce equal revenues, irrespective of local wealth.[2] The crucial difference between the Milliken plan and Coons's scheme is that under the latter full local autonomy could be retained in deciding the level of effort.

Creation of a metropolitan tax district would not be a helpful approach. It offers no fiscal advantage that a similar statewide plan would not, and it has the additional disadvantage of dealing with only part of a problem that is indisputably statewide. Even apart from such objections, a metropolitan tax district would probably be more difficult to arrange. It is inconsistent with the constitutional standard advocated by John Coons and his colleagues, and recently accepted by the California Supreme Court in *Serrano v. Priest*,* which renders illegitimate any education revenue-raising scheme tied to local property wealth. For that reason, a court would be unlikely to take seriously a suit asserting the unconstitutionality of metropolitan—rather than statewide—taxing inequalities. And if such an arrangement were proposed in the legislature of any urban State, it probably would not get far. The central cities must be able to gain enough additional support in smaller non-metropolitan cities to make a statewide plan much more attractive as a vote-getting device.

Metropolitan government, then, seems to offer a poor approach to

2. J. Coons, W. Clune, and S. Sugarman, *Private Wealth and Public Education* (Cambridge: Harvard University Press, 1970).

* And rejected by the U.S. Supreme Court.

the alleviation of fiscal disparities among school districts. Although the metropolis will continue to be a focus for discussion of this problem, solutions will be statewide (if they are possible at all after *Rodriguez*).

Efficiency: The traditional argument for school-district consolidation is that larger units permit quality educational programs at a lower cost than do smaller schools or districts. This argument has been such a standby in the struggles over school-district consolidation that it has become a part of American educational mythology.

This might not seem odd were it not for the ambiguity of research results. There have been literally scores of studies that have related the school characteristics in question to student achievement; and almost without exception they have found no consistent connection.[3] The size of schools and school districts, for example, has no regular association with student achievement: students in bigger schools or districts typically do no better than similarly situated students in small ones. Moreover, the things that larger districts are supposed to provide more of—experienced and well-trained teachers, better curricula, more differentiation among among students by interest and ability, more libraries, better administrators, and more specialists—also have little relationship to achievement. Students in schools with more of these educational accouterments seem to do no better than similarly situated students in schools with less of them. All of this was evident in hundreds of small studies carried out over the last 40 years; and it was confirmed in two massive surveys of American education completed in the last ten years—Project TALENT, and the Equality of Educational Opportunity Survey. This research has shown rather persuasively that the things that most Americans believe distinguish good from bad schools do not transform bad students into good ones. School consolidation, apparently, will neither improve students' test performances nor the schools' efficiency in producing achievement.

Of course, students' test scores are not the sole criterion of school efficiency. Other school outcomes, such as aspirations or the ability to participate in public life, may be affected by the size of the schools that children attend or the sort of students in their classes. But the evidence on these points is also ambiguous. Students in smaller high schools, for example, seem to participate more, and to develop more self-reliance, than otherwise similar students in large schools.[4] This hardly augurs well for the advocates of large schools and districts. And the evidence on aspirations suggests that most of the differences lie among students within schools rather than between schools. That is, the variation in aspirations within American high schools is little different from the variation in aspirations among schools. Thus, redistribution of students among schools would have little effect on the distribution of aspiration.[5]

The only convincing evidence for the efficiency of consolidation is

3. The best review of research in this area is found in J.M. Stephens, *The Process of Schooling* (New York, Harper & Row, 1967).

4. R. Barker and P. Gump, *Big School, Small School* (Stanford: Stanford University Press, 1964).

5. These results arise from as yet unpublished analyses of data on high school students' aspirations, which derive from the project TALENT and Equality of Educational Opportunity surveys. The results are available from the author.

that administrative costs seem to be somewhat lower in medium-sized districts (between 30,000 and 50,000 students) than in very small ones. This is of little real importance, however, since the annual per student cost of these differences amounts to less than $3 or $4 per year, and the diseconomies of scale increase fairly steeply as district size rises beyond 50,000.[6] If the only form of consolidation that might promote greater efficiency were the creation of several medium to large districts within each metropolis, the savings would be too small to override the political resistance to this undermining of local autonomy.

These research results undercut most of the traditional justifications for creating larger schools and districts. Other arguments, of course, remain. Neither popular taste in education nor the desires of school professionals are likely to be affected much by research. Larger schools and districts are attractive to professionals because they mean newer buildings, more specialization, and more pleasing facilities: libraries, language labs, offices, etc. Since the public accepts these as valid indices of educational quality, the old arguments may still produce some support for consolidation.

Integration: This subject has been the featured item in almost every recent discussion of schools and metropolitanism. Neither the rationale nor the remedies have changed much in the last decade: The educational benefits to Negro children and the impact on black and white attitudes are the main arguments used to justify integration. The present, or prospective, black-majority character of many central-city school systems is the reason for seeking a remedy that will tie cities and suburbs together.

Perhaps the central issue here is whether the rationale is correct: Would integration have an important effect on achievement or racial attitudes? Even if the answer to this query were unambiguously affirmative, other issues would arise. What form should the new arrangements take: Unified metropolitan districts? Interdistrict cooperation? The creation of several large, but submetropolitan districts? Would a metropolitan school authority, or a state agency, be the best device to further integration?

Evidence on the effects of integration is far from unambiguous. Most research suggests that the schools' racial composition has an independent impact on students' achievement ranging from nothing to modest—it never seems to be negative. But the research done seems to show that social-class composition does have some effect.[7] Disadvantaged students in middle-class schools seem to do somewhat better than similar students in uniformly working-class or poor schools. If true, this means that school integration within cities (where blacks would typically be integrated with whites from adjoining blue-collar neighborhoods) would be less desirable than city-suburban integration (where blacks would be more likely to attend school with middle-class or upper-middle-class white students).

Evidence from deliberate desegregation efforts is also ambiguous. In some cases in which achievement gains appear, students have almost

6. The data on district size and administrative costs are contained in a forthcoming study of school decentralization, "Parents, Power, and the Schools," which is available from the author.

7. For a summary of the evidence on this entire issue and a discussion of its implications for law and policy, see D. Cohen, "Defining Racial Equality in Education," *UCLA Law Review*, vol. 16, no. 2 (February 1969).

surely been selected by IQ; in other instances (whether there has been selection or not) there seem to have been no gains. In the only case in which students were randomly chosen (to eliminate the selection problem), small gains did appear after integration in some instances. Compared to the magnitude of the black-white achievement disparity, however, these gains were quite small. Only one study has checked on selection (in a very small California city); it was found that if one took first-grade IQ into account this very sharply reduced, but did not entirely eliminate the social-class-composition effect on later IQ and achievement tests..

The research results on racial attitudes traditionally has been more consistent and encouraging. Blacks and whites who enjoy equal status tend to exhibit less prejudice. If they had such experiences as children, they are somewhat more likely to have interracial contact as adults, and they are a good deal more likely to hold more liberal attitudes on public issues related to race. These findings accord with common sense and general observation, and they suggest that if school integration were properly managed, it might have some effect on American racial attitudes and behavior. But there are increasing numbers of blacks who would dissent from this research, and the ideas of race relations it embodies. The question of what "good" racial attitudes are is becoming more vexed.

And whatever the evidence, it does not lead directly to integrated metropolitan school districts. There is little experience with school integration within the metropolitan context, and only modest thought has been given to the issues. The experience encompasses three or four inter-district busing programs and involves only a few thousand children. Although programs of this nature may serve to demonstrate the feasibility of inter-district cooperation, they have serious drawbacks. One-way traffic from the inner city, after all, is hardly a promising model to apply to the entire metropolis.

Other approaches have been suggested. The U.S. Commission on Civil Rights, for example, recommended Federal fiscal incentive for the construction of educational parks through metropolitan areas.[8] Presumably such an arrangement would require the creation of unified metropolitan education authorities. Although possible, this plan would almost surely be dependent on action by the State legislatures, something that legislators from many suburban districts would resist.

Another alternative would be the creation of several large districts composing both core-city and surburban neighborhoods. Although in several of the largest cities such a scheme would be unfeasible without helicopters or new rapid-transit systems, there are many more places where it would be technologically possible. In addition, such new jurisdictions, were they to enroll somewhere between 30,000 and 50,000 students, would approach administratively what seems to be the most efficient size. But again this approach would almost always require legislative action, and it is not easy to imagine; racial consideration aside, it seems politically fantastic. Would municipal administrations voluntarily relinquish the money, jobs, and power inherent in a big-city school system any more readily than would

8. *Racial Isolation in the Public Schools* (Washington, D.C.: U.S. Civil Rights Commission, 1967).

affluent suburban systems? In fact, city-suburban mergers will probably become less likely as the central cities move increasingly toward black self-government. These new administrations will badly need the money and jobs on which political organizations are based. As long as public education in the metropolitan areas retains even a tenuous fiscal viability, it is hard to conceive of the system of state or Federal incentives that could produce wholesale movement in the direction of metropolitan school integration.

Others problems also exist. The most serious such problem is that pressures for other changes have recently gathered force, especially in the older and larger metropolitan areas. There has been a rapid increase in demands for greater community control, but it seems unlikely in practice.

Is there, then, any prospect of a substantial movement toward school integration within the metropolis? If the vehicle is voluntary local action, the answer is no. If we turn to the Federal Government for a moment, the picture is not vastly more hopeful. In the near future, at least, executive action and new legislation will at best offer no more than support for local initiative toward integration, and it may offer some discouragement. Although both local action and Federal support would be worthwhile, there is no reason to believe that the results would effect many children. Experience with the existing metropolitan busing programs—in Hartford and Boston—suggests that they do not lead to more integration. Rather, once they achieve a modest percentage of blacks in the receiving schools, the situation seems to stabilize.

Litigation is the remaining approach to metropolitan integration, and it may well prove the most promising. Courts have shown increased willingness to identify northern school segregation as *de jure*—based, that is, upon pupil and teacher assignment, school building patterns, and discriminatory housing—and to order integration *within* city boundaries. In several suits, litigants have asserted that the discrimination is not limited to school districts but is a metropolitan phenomenon; they have demonstrated areawide housing, job, and school boundary determinations that serve to isolate black and white children. At least two Federal courts, in Detroit and Indianapolis, have accepted these arguments, and ordered the submission of metropolitan integration plans; other such suits are currently before the courts. While such litigation may continue to force metropolitan governance in particular northern communities, the process is likely to be an extended one, and ultimate resolution of the underlying constitutional question by the Supreme Court seems several years away.

Thus, even the most optimistic assessment of the prospects for school integration within the metropolitan areas indicates that only modest progress can be expected in the next decade. Furthermore, the most optimistic assessment may not be warranted. Conventional approaches to integration are at cross-purposes with other forces in the Negro community; and these other forces seem likely to dissipate the thrust toward school integration.

In summary, then, the traditional arguments for metropolianism in education are generally unconvincing. Larger schools and larger districts

might satisfy educators, but there is no evidence that they will either help students or appreciably improve the effectiveness of schooling. The fiscal disparities that plague districts within the metropolis need correction, but remedies should come at the state, not the metropolitan, level. Remedies for segregation are sadly needed, but there is little impetus and less likelihood that more will soon materialize.

THE OTHER SIDE OF INTEGRATION

by Benjamin F. Payton

There was a time—not very long ago either—when many black people thought that the Supreme Court's decision of 1954 and the push for the racial integration of the schools would almost automatically end many of the educational problems that blacks and other minorities have been faced with. For nearly two decades now, a number of people, and not just the propagandists, have been looking very hard at the process of racial integration and what this has meant; at what has been happening to black children in the schools, particularly, and at other students. There is a residue of cynicism and lack of confidence in the ability of racial integration as a process in and of itself to deal with some of the fundamental problems and issues faced by blacks. Although the 1954 Supreme Court's decision and racial integration of the schools have unquestionably contributed many significant things to the improvement of the lives of blacks in our society, some blacks are somewhat more cynical today about what integration can do than they were previously.

But we need to remember and not forget what it was like, particularly in the South, prior to the desegregation movement. The signs indicating segregated waiting rooms at the train station, the inability to get a sandwich at the railroad stations, the segregated rest rooms, no public accommodations downtown, the fact that you were proscribed by law from trying to get an education in the same classroom with whites—the ending of these more blatant, formal features of segregation have produced, in my judgment, unquestionable benefits for blacks and for others in our society. Nonetheless, upon taking a closer look at that movement, some people have begun to question some of the intellectual foundations upon

which it was reared and have begun to look very critically at some of the consequences. And this is not to say that such persons have become segregationists. What I'm saying is that there are people now who have begun to look for ways of achieving social justice for blacks which include integration but which also place emphasis on other things, particularly such things as the development of resources within the black community in ways that increase the strength and the power of blacks. This can be articulated, can be pushed for without at the same time leading one to take a separatist position.

One result of recent social science research on the general question of how people act in groups and more specificially in situations of interracial contact has led to a shifting away on the part of some researchers from a concern with an atomistic conception of society—one in which you're dealing more with individuals rather than group structures—to a concern with power and group relations. For example, social scientists are not paying much attention to such concepts as "the authoritarian personality" and its importance in prejudice and discrimination or the "mark of oppression." Many approaches to social science research now are based on the theory that society is not an aggregate of discrete individuals, but a mosaic of special interest groups, differing in prestige and power and led by initiators of action who make critical decisions. In this view, individual personality problems are more related to institutionalized and culturally accepted social patterns than to discrete ego needs.

This focus brings into view what some people call a "new frontier of race relations." The central reality on this new fronter is the behavior of institutions. As a matter of fact, the concept of "institutional racism" is now being used by, in my judgment, some responsible social scientists and thinkers. And along with the use of this concept of institutional racism has come the realization that we must direct our attention to the question of how to achieve social conditions which make possible *group* attainment for blacks and other Americans and not just for the individual blacks who have somehow managed to get a good education and who are quite eligible candidates for integration into the best schools in our society.

The question is how can we devise institutions that can deal with large numbers of blacks and other minorities and assist them in getting an education? In this view, the way in which some predominantly white institutions behave racially is seen as imposing fundamental constraints upon the education of blacks and other minorities. Therefore, a big issue then becomes how do you deracinate white institutions; that is, how do you transform them into agencies which can be of assistance to minorities as well as to the majority whites? And, how can you develop predominantly black institutions and other ethnic institutions so that they become instruments of power, potentiality, and strength in American life?

One of the things this perspective is able to achieve is to identify and embrace some positive elements in the history and culture of black people and other minorities. It is unlike so many of the earlier trends in social science which use deficit models in analyzing blacks and other Americans, which treats minorities as victims almost entirely of what has happened to them, but which is seldom able to see blacks and other minorities

as dynamic individuals and groups with strengths as well as with a disability. I think this is a very important change. It begins to look for things other than for pathologies and weaknesses in black institutions and in black individuals. It begins to see black people as people and not as merely as a race that somehow does not utilize institutions and social processes for its development. There are some people who feel that the formula that has been used in trying to expand opportunity—the formula of working first at the expansion of opportunity for individuals—may need to be reversed. Perhaps what we need to work at are ways of strengthening institutions to deal with the matter of expanding opportunities for large numbers of blacks and minorities as aggregate numbers, as groups. What would this mean concretely and practically?

It would mean, for example, strengthening minority institutions in the foundation world where grants are made, that perhaps greater emphasis would be given to providing grants to institutions rather than to individuals. At the Ford Foundation, for example, most of the funds for minorities, prior to a new program we started a year or two ago, went as fellowships and scholarships to those few bright blacks and other minorities who were available and who could earn a doctorate. It is very important that we continue this and fully half of the new new hundred million dollar effort at the Foundation continues to go into such scholarships and fellowships. But a larger emphasis is now being placed on the strengthening of ethnic institutions while insisting at the same time that this is not segregation.

We sometimes forget that segregation is a system of control imposed by those who think themselves to be superior genetically upon those they perceive as victims and therefore as inferior. Black institutions cannot accurately be described as segregationist institutions. These are institutions that have never actively participated in segregation, they have not operated on a socially or a racially exclusivist formula.

The point is that in addition to working at the problems of minority individuals one should begin to find ways to help strengthen social processes and social institutions that are under the leadership of minorities, and I think this has been one of the weaknesses of the integration movement. I think it has forgotten that people advance in part, at least, as a result of their own creative initiatives and that it's not enough, to develop a movement to improve opportunities for blacks and other minorities which simply "creams" that minority community of its strongest people and absorbs them into white institutions. That is important, but I say that that is not enough.

This I think speaks to the issues—indirectly perhaps—of whether one should focus upon integration or upon a community control. As far as the expansion of opportunities for blacks and other minorities is concerned, there is no single approach. I don't think that on this point any organization ought to lock itself into a doctrinaire position, particularly when it comes to very critical issues in local areas about which it may or may not have full information. The clearest example of what I'm saying what ought not to be done is what's happening in Atlanta. I think that the National NAACP has taken a rather presumptuous stand with respect to what blacks in Atlanta who are daily working in that situation see

as the most viable way in which to deal with the problems of racial segregation in the City of Atlanta. My point here is not to knock the NAACP but to illustrate what happens when one becomes doctrinaire, whether as an integrationist or as a black power exponent.

Things are changing in this society. Black people are viewing themselves in different ways now. They're developing new and interesting patterns of relationships with all kinds of folk, particularly in the South where now blacks are beginning to form new kinds of alliances with people that they would hardly have spoken to sometime ago, people who may be labelled conservative but people who, in the context of the new politics in the South, form an important part of an alliance for the strengthening of black institutions as well as expanding opportunities for black individuals.

I think that sometimes those who are unable to appreciate or to see any role for ethnic institutions do so because they see them somehow as fundamental digressions from the ways in which social institutions have operated. Some people see the formation of black colleges merely as a reaction to segregation and to racism. In a large part they were. But they were more than that. DuBois saw them as what he called "centers of a new and beautiful effort at human education," places where black people could use the experience, the values, the learnings that have come out of their heritage and background, to educate people and not merely places where black people are brought in lock-step because there are no other places for them to go.

I think if the last 20 years have taught us anything, it is that there are no final answers as to what is *the* way in education or in other matters. This matter has been debated for many, many years, and I suspect the debate will go on. This is a time of new stirrings in black communities across this land and I think it's a time for new and fresh examinations of the ways in which national organizations operate. It's a time when black men intend to be major architects of what is happening to them; architects of the goals and the strategies and the organizational approaches to what is going on. It is also a time when old alliances with old friends are being tested, sorely tested sometimes, because new terms for interracial cooperation are being worked out. I think the most adequate way to state it is that blacks fundamentally are seeking ways not just to participate in this society but to *participate with power*, with influence, and that it is not just a matter of playing a skin game, of seeing to it that a black is next to a white kid in class. It is very much a matter of doing everything possible to end the racism which has stunted and all but destroyed genuine educational opportunity for blacks and other minorities.

Sometimes we forget that over 53 percent of black people still live in the South. Maybe as a transplanted southerner I should emphasize the point and that there is still an increase in the black population of the South despite the out-migration. In the decade of 1960 the black population in the South increased from 11.3 million to 11.9 million. Now, the significance of this is that many of the people in the South are still living in rural areas and it raises the critical question about the kind of programming we should be thinking about, not only with respect to urban school systems,

but with respect to rural school systems. The kinds of problems, outlooks, and values that youngsters in such rural areas bring to the school system are as real as what is happening in New York City and in other cities. It's far from over in the South.

Some Integration Results

I don't suppose anything has dampened the enthusiasm of blacks in the South for some forms of integration any more than some of the things that happened as a result of school integration. I sat on a school board in the South Carolina for four years, and was there at the point when we were putting together plans for desegregating the schools. The need for a clearer, more meaningful, and particularly a more beneficial concept of integration for blacks became very evident. It was amazing, the number of dismissals, of suspensions of black students that began to occur throughout the South on the heels of school integration. And this wasn't just four years ago; this still happens today. It's disheartening to see the number of black high school principals who are summarily put out of positions even though in terms of educational credentials theirs may be higher than those of the white principals who replaced them.

In a real sense the very process of integration in the South has led to the humiliation of hundreds and thousands of black people, and I think this can't be overlooked. What integration is as a social reality, what it is doing, some of the bad features as well as the good features, all need to be examined. It is not enough to look at the percentages of the mix. It's also important, I think, to see what is happening to black people and other minorities in terms of their institutions, the kind of leadership they are able to offer, the kind of role models they are able to bring to their youngsters.

There's a need today for a new kind of force in education. I don't know of a single public school system in this country that has really come to grips with the question of how you educate large numbers of blacks and other minorities, and yet the public school systems are the places from which the colleges draw their manpower. And the colleges still tend to be the places from which the leadership of this nation is drawn. One of the distressing things about much of the talk that comes out of some intellectual sources in this country is the down-grading of not only the role of schools but also the role of college education. This may be all right for the sons and daughters of white America, but for blacks and I suspect, for other minorities, such an emphasis can be disastrous. We will continue to need to put a high emphasis upon the absolute importance of a first-rate college education wherever this can be found and to look critically upon the ideological climate which today suggests to blacks and to other minorities that the schools are not important, that degrees are not important. The problems in the economy from inflation and a reduction in defense and space-related research have created some difficulties for a few highly trained Ph.Ds who may have been put out of work and this tends to reinforce the idea put forward by some that education, or much education, is not important. But there has been no over-supply as far as I can tell of black Ph.Ds in any substantial discipline or of other minority Ph.Ds.

Dr. Kenneth Clark has already talked about the expressions now coming from men and women of allegedly strong commitments to racial justice who today attack the social mobility function of education, and I am still hoping that someone is going to do a really in depth, solid, hard-hitting analysis of that whole strategy. In the meanwhile, let us not overlook the curious fact that some of this down-grading of education is coming from an Ivy League citadel of learning and is expressed by persons who are themselves most highly educated. Does the educational system offer social and economic mobility for minority groups in this country? It certainly seems to be the experience of most of us, if we look around ourselves, that the educational system can provide mobility, though it falters now and then.

Discussion

DR. SMITH: Several of the points made by panelists this afternoon prompt me to make just two or three points that sometimes escape the casual observer, and even sometimes the more substantive participant in public education—just in terms of how they view how decisions are made that affect the lives of young people.

It's always alarming for me to discover that large numbers of people across the country place a much greater emphasis on the Federal dollar input into public education, than is really the case. I doubt seriously if you can find a single school system across this country where the Title I money of the Elementary and Secondary Education Act, and other Federal dollars, represent more than ten percent of their total budget!

Federal participation, dollarwise, is very small. The total dollar authorization for Title I from its inception was never more than $1.9 billion, and was never allocated at more than $1.5 billion. Actually, the large massive Federal program for the so-called disadvantaged child, for an entire country, was *less* than the total budget of the New York public school system.

And the other thing I would say to you is that, as the number of blacks in leadership positions in school systems across the country increase, (and at last count it was about 35, though someone told me the other day it was 52) . . . . you'll find that in each one of those systems the resources are drying up more and more each year. The administration of "dried-up systems" in terms of dollars is a very, very difficult task.

Having said that, I open up the floor for questions and discussion which you may direct at the panel as a total or to individual panel members.

Q.: Bob Woodson, NUL staff I have two concerns. Are there any figures on the impact of integration, as to the increase or decrease in black enrollment in the South or outside of the South?

I've noticed that schools like Virginia Union, and others in the South, that were predominantly black, have changed to the point that they are in some cases 40 percent white. But I don't see any attendant increase in total numbers. So I'm wondering whether or not black students are in fact being displaced by integration.

The second is a qualitative question. When I was in high school in Philadelphia in 1951, I went to a school that was considered integrated, 50 percent white and 50 percent black. I took the academic course, yet I never attended class with more than five black students. So there was a kind of internal segregation. I wonder if the panel would address itself to these two issues.

DR. PAYTON: Overall, in terms of higher education, there has been, and continues to be, an increase in total numbers of blacks entering higher education. I think the figure this year is something around 600,000 at all levels in higher education, that's in professional schools and graduate schools, as well as colleges.

This has been increasing in significant jumps, particularly since about 1968, which was about the time when the "black surge," as the Carnegie Commission called it, began to take place with larger numbers of blacks going into the predominantly white universities across the country.

Overall there has been clearly an increase in the number of blacks enrolling in institutions of higher education, both black and white. Now with respect to whether or not there's been displacement, I suspect there has been. If a college can only handle 1,500 students and it decides to integrate (or integrates, at any case), and comes up in one year with 15 percent whites, I suspect that means fewer blacks there.

But that has to be balanced with the number of blacks who are going into predominantly white institutions, and inter-institutional transfers between black institutions in the South. On the whole I think the integration of the black schools is good. And this, of course, is nothing new. It's only new at the student body level. The black colleges have always had an integrated faculty and for many decades were the only places in this country where one could have an authentic interracial experience. I don't see cause for alarm at the fact that some whites are beginning to enter the black colleges, and I think this will happen at an increasing pace over the years, and on the whole I think this will be good—providing that the institutions continue to play vital functions and roles with respect to the quality of service they provide for black kids.

Another thing that concerns many of us about the increased pace, or increased numbers of blacks entering higher education, is that we see the numbers as they enroll in the white universities, but we don't have

any hard data about how many are actually graduating. This is data that some of us are trying to come up with. Our foundation has funded a research project that we hope will make that data a bit "harder."

DR. CLARK: I address myself to the latter part of your question: the segregation within seemingly non-segregated educational institutions, which is a very important problem. The North has been particularly effective and has taken leadership in this, even before the *Brown* decision. In the early 1950s, when a higher proportion of the children in the public schools in New York City were in racially heterogeneous schools, there was a rather common practice among principals and teachers in schools that were not predominantly black or predominantly white but had a good racial mix, to track the children—put them in classes according to somebody's judgment of their intellectual potential. And invariably this tracking system would mean that the majority of white children, if not all, were in higher tracks, and the majority if not all of the black children (with an occasional token) were in the slow tracks.

One case that came to our attention at Northside Center was where a teacher with a given class, which had already been tracked, decided to take the tracking system to its logical and inhumane conclusion of seating the children according to her judgment of their reading ability. So that all of the black and Puerto Rican children were in the back rows. Even though they were allegedly on the same track, they were segregated within the classroom. And the fascinating thing to (Dr.) Mamie (Clark) and to me, was that we had difficulty in getting the principal of that school and the teacher of that classroom to understand that this was inhumane, and served no effective educational function.

If anything, it had a negative educational function on both the whites and the blacks. We argued and argued, until finally we got some change in this by threatening to take them to court—and that's the only way we could break through. Of course we were bluffing, because this was before *Brown*, and we knew that the whole educational hierarchy would be on the side of that principal and that teacher. Now that happens not infrequently. It tends to be supported by profound, educational theory, and it has the advantage of not intending to be racial.

To point out that its effect is racial, puts you, the person who points this out, in the position of being called a racist, because you know that well-intentioned people are trying to organize schools and classes and classrooms for the best interest of the kids. And by the way, when you talk to them about the detriment of this to black children, in the North you get a fascinating kind of rationalization. Namely: "No, this is not damaging to the black children, this is not detrimental. What is damaging and detrimental to them is to put them in a situation where they will be expected to compete with their superiors, you know, academic superiors."

In a sense, teachers and principals who tend to justify this kind of inner institutional segregation, justify themselves in terms of: "We don't want to frustrate the black children, we want to be solicitous to their mental health and emotional stability by separating them."

And I hope that, before very long, we will get a chance to argue among ourselves on this panel, because I really have a least three or four

serious points of disagreement with Ben Payton—and by the way the thing that disturbs me most about Ben Payton's presentation of the case for rational separatism, is that he is RATIONAL! With someone who is soft-spoken and reasonable and rational, I have to check myself not to be carried along with him.

DR. COHEN: Before you get into that argument, one thing I would cite, following on Kenneth's answer, is that internal grouping practices do have racial effects, but they're one of the school practices which can be attacked on non-racial grounds. Because lots of other kids are damaged by this besides black kids. Special education is heavily a minority phenomenon, but there are lots of other kids in special education who have no more business being there than a lot of the black kids.

One thing, which we have done, is to institute a series of suits challenging the educational rationality of grouping practices like special education. It strikes me as a sound and sane and substantial approach. All of the research on the effects of grouping suggests that various forms of homogeneous grouping don't have the educational benefits which they are alleged to have, and that heterogeneous grouping does not have any of the educational disadvantages which it is alleged to have . . . . and in fact the reason that it exists principally, is for the convenience of people who run the schools.

Q.: Yes, but if that is true, if it is a reality, then what implications does it have for strategies for integration with regard to education?

DR. COHEN: I thought, when you were asking that question, that one of the remarkable things about the civil rights movement and its progeny, is that the experiences of minority group members in this society really touch on and illustrate much deeper problems of the society that go beyond minority problems. And so the Urban League and other organizations are always in the position of having to carry somebody else's oranges. And that's really what your question suggests . . . and you're right. But I don't see any way around it.

The fact is that in the case of grouping, it's bad. It's bad for all kinds of kids, and it is not only unfortunate but profoundly revealing about society, that it's the Urban League that has to worry about things like this.

Q.: Helen Mervis, NUL Board from New Orleans. I'd like to ask Dr. Cohen what the evidences are for your data on the black students, even in enriched schools?

DR. COHEN: I made two different points. I said that gross indicators of educational resources, like per-pupil expenditures, teacher's level of education, class size, these things, are unrelated to gross measures of educational outcome, like test scores. But I gave three examples of more specific research which suggest that indeed schools do have effects, but that their effects are related to social processes that are much less easy to measure and to quantify . . . that some teachers are systematically better than others. Really we have only a few hints of why. I suspect probably we

have a lot of professional wisdom, but very few people have ever gone out and asked teachers!

DR. CLARK: Dave, could it be because they're better teachers?

DR. COHEN: Yes, that's eventually what I was saying. But my conclusion from that is it's hard to know. I wasn't saying that there *were* no differential effects of the schools or teachers. I was saying that in finding them, you have to look at other measures besides per-pupil expenditure. I guess the best reference I can give you is a little book called "*Process of Schooling.*" It was published by a Canadian, a man named Stephans, who is not at all involved in this whole debate, and it's a very concise, short, and I think, brilliant summary of 40 to 50 years of research on schooling. It was published by Holt in 1967 and it summarizes literally thousands of research studies that have been done on class size, teacher qualifications and so on.

Q.: Mahlon Puryear, NUL staff. In your presentations you suggested, in order to help kids who were disadvantaged, that experimental programs ought to be used. For example, you referred to Upward Bound. There have been instances where these programs have been conducted and proven, —but then when the funding processes got into motion, they made the program available to the *total* student body—which had the effect of nullifying their intent. What can we do to follow your suggestion, and still achieve results?

DR. COHEN: I'm afraid your question goes to a matter of political wisdom, and on that sort of thing I would defer to Mr. Jordan. I think he has more of a monoply on that phenomenon than I do.

Q.: Black youths today are resegregating themselves. What direction might you give for Urban Leagues that have colleges in their community, where black youth insist on being in segregated dormitories? Is that an education policy for the Urban League? How might we go about that?

DR. CLARK: In the current issue of the *American Scholar*, they have a review of Mike Novak's book on the rise of the unmeltable ethnics, coupled with a review of Mike Rothman's book on the Berkeley student uprising and its implications for reexamination of all higher education in America. I wish I had written the title of the review; all I did was to write the review. But Hiram Hayden, the editor of the *American Scholar*, choose as his title of the review, "American Higher Education—A Failure of Nerve." And to me that was a genius title, in terms of summing up about eight pages of my ramblings—because what Hiram did was to extract what I was really saying about the relationship between Novak's obscene apology for irrationality and inhumanity in the American racial ethnic system, and Rothman's nihilistic revolt.

Now what does that have to do with your question? If anybody asked me to write a review of a book that is anyway related to the problem of your question—instead of reviewing the book, I would follow the traditional approach of reviewers in scholarly journals, namely, not reviewing the book but giving your own ideas as to what the book should be about

What I would like to do is write a book about the failure of nerve among blacks—middle-age blacks, when confronted with what seem to me to be transparently self-defeating approaches of young blacks on allegedly integrated college campuses, namely, in demanding and obtaining with obscene haste, segregated facilities.

And I say "obscene" deliberately, because unfortunately all of my adult life has been spent in schools. And I've watched the academic man at work. He doesn't move fast on anything. It takes him one academic year after another even to define a question, much less to act upon it. Except when he was confronted with the black students' demand for segregated facilities. Northwestern University moved within three weeks to set up these facilities.

DR. COHEN: That's one thing Harvard didn't do.

DR. CLARK: Well, what they *did* do, is to set up black studies in an obvious, sham, fraud, racist predicament. Now how did they get away with this? A failure of nerve. The *failure* of the NAACP, the *failure* of the Urban League, the *failure* of those of us who struggled through the variety of ways in which white America has sought to segregate and exclude blacks. Those of us who struggled through the period of the '30s, where there were very few blacks, and white institutions that were accepting them, were suggesting, and in some cases more than suggesting, that maybe they would be more comfortable with a black roommate or something of that sort.

My own example and the thing that I remember most was that in 1937 I received a letter from Cornell University in the State of New York saying to me that they could not accept me for a Ph.D in psychology, *not* because I was not academically prepared to do the work, but because I would be uncomfortable in the small group of whites who were working toward the Ph.D. In the few years since that time, we find students at Cornell fighting under the guise of racial pride and militance to be segregated—and we remain silent. We did not exercise our responsibility to point out to these young people what they were really being accessories to! We, like the whites of our own age group, retreated. We permitted idiocy to become norm. And unfortunately some of us rationalized this idiocy under the guise of pride. I never saw what pride had to do with segregation except to be an inherent destructor of it.

But you ask, what can the Urban League do? I'll give you an answer which you probably won't accept: Stand against that kind of idiocy, and wherever you see it, fight against it! We're fighting in New York State now at the State University system where we have our minority corridors, and where all the officials justify this on the grounds that the minority group youngsters would not be happy unless they had their separate corridors. And I asked (and they looked upon me as some sort of a sadist), what the hell is this university here for—to make people happy? Or to prepare them for single-standard competition in a world that does not seem particularly solicitous about anybody's happiness? And certainly it seems to me that educational institutions should be more clear and specific as to their function and role.

I say to them, as I said to my friend Ernie Boyer, the chancellor of the New York State University system, I said: "Ernie, if a group of white, prejudiced ethnics were to come to you and say." Look, we want our separate facilities at all of the institutions of the State University in New York, because we really are not happy with those militant, threatening, shouting, separatist blacks . . . . and we want a place in the cafeteria, in the student lounges, in the dormitories, which will be clearly, exclusively for us whites who don't want to listen to those blacks tell us how much they hate us—*would you grant it?* Would you permit any of your presidents or deans of students to grant that?"

He said, "No." And I said, and I'm friendly enough to say this to him, I said, "Well then, Ernie, you're a racist—because you're granting the blacks something which you say, and would publicly say, you would not grant to whites and with no more justification."

It seems to me that there ought to be organizational responses against these obscenities which are in clear violation of *Brown*. Ben Payton raised a question about the national office of the NAACP in regard to Atlanta. Ben, that's not the question I'd raise about the national office of the NAACP. I'd raise the question about *their* default on the proliferation of segregation on northern college campuses, allegedly justified on the grounds that the black students are demanding it. And if we *don't* do this, then I don't think there's any point in our talking about educational policy, because we're not going to have effective educational policy.

If you're going to have effective educational policy, particularly at this period of the Nixon Administration and the demonstration of the political effectiveness of racial regression, it's going to be difficult. You didn't ask for that kind of answer to your question. But to me, I would not take the Urban League or the NAACP or MARC seriously if they say that they're really interested in single-standard effective education for American young people, white or black . . . . and if they take the easy way out on this particular concrete issue—which by the way, is increasing rather than decreasing.

Q.: Why is it that the Jencks Report in particular, and a lot of educational policy in general, is now talking in terms of evaluating educational policy, and trying to contemplate its direction in terms of individual evaluation of inequality—as opposed to a continued look and critical examination of *group* inequality.

DR. COHEN: I'm not entirely sure how to respond to the question. If you ask me whether I think it's important to focus on group inequality, I would agree with you completely. I think that's right. I don't think you would argue that looking at differences among individuals is irrevelant. Obviously not, it's a very relevant question.

I think that the question which Sandy Jencks asks in the book is very much like the question that Blau and Duncan ask in theirs. The answer is very much like the answer in theirs. There's really very little difference, as far as the contribution of education to occupational status and earnings. And it's clear to me that there's an increasing willingness in the society to interpret evidence of that sort in ways that are not war-

ranted. I guess the only answer I can really give (Kenneth is going to vilify me for this), is to tell you a personal story. Several years ago, I began working on the effects of decentralization and community control, because it seemed to me an important issue.

I completed a manuscript on the subject, and the manuscript still resides in the drawer of my desk. I think it's a good study, I think it's sound, I think it talks about the issue properly. But it remains in my desk drawer, because I'm convinced that there's no way that I could publish that, in which it would not be badly used.

I also did a piece on *Serrano* and very carefully put it in my desk drawer until after the case was decided because although on the whole I support that, I did raise some questions about it. And I knew that if I brought that piece out before the thing was decided, it would be another Harvard study and it could be misused. Now, I really feel between Scylla and Charybdis. On one hand, I know that my work is sound, and is not motivated by any sort of invidious ideas. On the other hand, I'm aware of the enormous potential for the misuse of research. And so I have in fact violated my own academic freedom in two cases.

I think the big difference between Sandy's book and the Blau and Duncan book, is that the Blau and Duncan book was written by sociologists, for sociologists, and read by sociologists. There's very little difference in the numbers and in the paraphernalia of social science. The difference is that Sandy wrote a popular book.

The more I have experienced, the more questions I have about the wisdom of that approach in this society. If I ever publish that book on decentralization I can assure you it'll be published by a university press somewhere without much publicity. That pains me, but I really don't know what else to say. It's a very difficult paradox.

DR. CLARK: Dave, I was sort of sad to hear you saying what you just said about the two pieces of research which you kept in your desk. I'm sad for any number of reasons, among them first that I cannot conceive of the Dave Cohen I know, and who was introduced to me by two of my closest friends, Bob Carter and Tom Pettigrew, as doing anything other than the most objective kind of inquiry that he possibly could—and who, as a social scientist, is obligated to communicate to the best he can, the findings and his best interpretation of the implications or the meanings of these things.

And I'm just old-fashioned enough (and I'm betrayed how old-fashioned I am in my late middle age, more and more now) to believe that social scientists have obligations to society as a whole and sometimes a fulfillment of those obligations might be painful. And to show you I'm not just being theoretical about it, Mamie and I did our doll study test in the 1940s. I did the field research on that because Mamie was pregnant with our second child at the time, and I was disturbed as hell about what I was finding in the North and in the South.

I'd come from the field, and I would go over it with Mamie, and we would say we have first to tabulate the stuff and second to write it. I was disturbed at hearing what you said, because it recalled the memories

of 30 years ago when we kept those data in our desk—not because we were afraid of its misuse or use, because at those times this was really *pure* research. We kept them in our desk because *we* were emotionally unable to deal with this *catastrophe* that our research elicited. But we knew full well that when Otto Kleinberg kept saying to us "What about the report?" when Newcombe and Dean Hartley said, "Look, we know you've got these data . . . we've got to write them up," Mamie and I would write them up!

So it does seem to me that at no time should a political or an ideological issue in *itself*, determine what a social scientist has to do as a social scientist. But this is to me a two-sided coin. Jencks says in his book—and I don't know how we permit him to get away with this—he says it early in the book in a burst of honesty—"social science contributions follow political factions of the time."

And he proceeds in his book, to demonstrate the validity of this! Now that is not the same as what you just told us, Dave. There's no way in the world you can permit geographical identification to lead to this kind of intellectual and psychological identification.

Actually you are not a part of what we are being probably too implicit about—maybe we should be explicit about—you are not a part of a kind of intellectual prostitution of a discipline. You are not part of what I call the "Moynihan Syndrome"—namely, opting for power, and the involvement in a kind of political power, where the social scientist uses his paraphernalia, his costumes, his symbols, as an instrument whereby people who make political decisions base (or suggest that they are basing) their political decision on the alleged findings of social scientists.

Finally, one of the things that disturbed me about what you said, was its violation of something of which I just read recently—and I forgot to whom to attribute this—that probably one of the most insidious infidelities is the belief that truth will be contrary to justice.

It seemed to me that this is an extremely important thing for you to remember now. In my work as a social scientist, I have always just taken for granted that the truth, undistorted as far as it's possible for the human intellect not to destroy truth, will invariably be consistent with justice. And, therefore, there is really never any need to hide really serious and objective inquiry. It just so happens that this is not what a number of us who are criticizing the "Charles River" crew are criticizing.

We are criticizing the blatant, flagrant Moynihan distortions and seeing the context of those distortions. We are criticizing the extent to which the Moynihan disease is insidiously infectious, and contagious and has affected people whom we thought previously were friends in the search of truth and justice.. And you are now telling us that there's no such thing as truth, and therefore no such thing as justice. You can't afford to join them. You've just got to disassociate yourself from them, because there are a lot of them and too few of you!

DR. SMITH: And on top of what Dr. Clark has just said, it's outright dishonest, too. The problem with dishonesty is that it attracts other dishonest people, too—such as the attraction that those kinds of pieces of

work under the guise of scholarship have to the decision-making mechanism in this country, and I'll say no more about that . . . Mr. Jordan is going to make some closing remarks.

MR. JORDAN: Thank you, Chuck. There's really not an awful lot for me to say except to express our deep thanks and gratitude for all of the participants in what we described as a "think tank." On very short notice they came and gave us the benefit of their ideas and their talent.

I think that their coming, Ben Payton, Dave Cohen, Ken Clark this afternoon, and all the others, is a great tribute to the credibility that the Urban League has in their minds. And I think more importantly it's an indication of how they view our role. Therefore, it's a great challenge for us to now take all of these ideas, and all of these proposals, and in our staff meetings and in our Board of Trustees, now to come up with programs that we can do and do well . . . to come forth with an advocacy program that makes sense, not only for black Americans, but for all disadvantaged Americans.

On behalf of staff and those members of the Board of Trustees who have spent these two days with us, I can say that we have been deeply enriched and instructed, and certainly made wiser as to our role, function and responsibilities as we try to carry on both a program of advocacy and a program of direct services in 101 cities.

To those who have participated, those who are here, I can tell you we take seriously the presentations that you've made. They will not end up in File 13. They will get action. Where funds are required, hopefully we will be able to convince those funding sources wherever they are and whoever they are, that these are viable, workable, and necessary programs.

I thank the participants also on behalf of Jim Linen who's our President, and who is not here because of illness. I'd like to express to everybody, staff and participants alike, the appreciation of the Board and my personal appreciation for your coming and working with us.

APPENDIX A:

LETTER OF INVITATION

Dear

In his introduction to the proceedings of the *Commission on the Year 2,000*, Daniel Bell spoke of St. Augustine's concept of time as a three-fold present: the present as we experience it, the past as a present memory, and the future as a present expectation. For the National Urban League, and indeed for most civil rights and private social welfare agencies, the present as we experience it is first a struggle for survival, and second, a recurring effort to quickly respond to a series of critical problems and demands, many of which are unanticipated.

The past as a present memory is vivid and instructive. Societal consciousness was raised, oppression was confronted, bureaucratic armies were assembled to mount a War on Poverty, and the collective will of government and of the people was seemingly committed to resolving the long and bitter trial of blacks and other American minorities. Now the collective will has attenuated, consciousness has become individualistic, oppression remains, and in the midst of general equality, we have witnessed selective and increased inequality. Moreover, many of the organizations that were in the vanguard of the movement have either passed into oblivion, or are rapidly approaching it.

The Urban League, however, has survived, and it is my responsibility, and yours to continue to insure that survival—not as a purveyor of empty rhetoric, or as a quiescent skeletal entity—but as a viable, positive force, capable of articulating the rights of the voiceless, and delivering essential social and economic services as a constituency increasingly confronted by a resurgency of *laissez-faire* individualism.

To do this—to be capable of responding to these urgent demands—we must be ever mindful of the future as a present expectation. We must, to paraphrase Daniel Bell, be able to indicate *now* the future consequences of present public policy decisions, to anticipate future problems, and to begin the design of alternative solutions so that the Urban League has more options, and is not constrained by the crush of crisis conditions.

It is in the pursuit of this objective that I am writing to you. I believe that it is essential for Urban League staff and Trustees, and for the survival of the League as a viable movement, that we take time to listen to, and to absorb the best thinking that the intellectual community has to offer on significant issues. Further, it is my belief that the inter-

facing of this thinking and our "on-line" experience will produce the direction and lay the groundwork for the plays that will improve our effectiveness as an agent for social justices and economic progress.

For some time, my staff and I have discussed the nature of the critical issues, the persons most capable of providing us with needed perspectives and insights, and the mechanisms best suited to generate ideas. We have decided that the following format would best suit our needs.

Briefly, we shall ask selected individuals, such as yourself, to prepare a paper responding to issues we have framed in each individual's area of expertise. Since your area of expertise is Economics, we are asking that your prepare a paper which responds to two or more of the issues framed under the section *Economic Policy and Income Security*, on the attached memorandum. These papers will be presented at a forum, scheduled to occur in New York City on Saturday and Sunday, April 7 and 8, 1973. An appropriate period for discussion and debate after the presentation has also been scheduled. Participants in the discussion will be fellow panelists and selected members of the Board of Trustees of the National Urban League. The atmosphere, we expect, will be informal and provocative.

If I have not yet conveyed the urgency which I attach to this forum, and your participation in its deliberations, let me succinctly restate my case. The Urban League, if it is to lead, if it is to deliver, must be able to identify trends, anticipate change, and formulate realistic strategies. I am convinced that you can help us in this vital endeavor.

Sincerely,

Vernon E. Jordan, Jr.
Executive Director
National Urban League

APPENDIX B:

ISSUES FOR DISCUSSION

After defining the broad subject areas of discussion, staff members of the National Urban League isolated specific issues felt to be of major importance to blacks and other minorities. These were submitted to the discussants as guides for their papers. These same issues might serve as topics for further examinations by other groups, schools, etc.

I. ECONOMIC POLICY AND INCOME SECURITY

A. Unemployment appears to be endemic in minority communities. What methods, either by government or the private sector, or both, should be employed to reduce the level of black unemployment to at least that of white unemployment and what is a reasonable timetable for the achievement of this goal?

B. There is almost unanimous agreement that the present welfare system is not working and dependency is increasing. What are the alternatives to the present system, their costs and the perceived impact on the reduction of dependency? If such plans involve setting a guaranteed income floor, what would be the acceptable national standard? What political strategies should guide any proposed alternative?

C. Is vocational training, as it is now generally constituted, a productive approach toward gaining individual economic security? In any event, should it be the responsibility of government or private industry?

D. Potentially, what are the most effective approaches to reducing the regressivity of the American tax system?

E. The American trade union movement has had a history of protectionism, and it appears that today many unions are on the brink of becoming organizations which exist primarily to shield present job holders from potential economic adversity.

1. In the future, can we expect unions to take progressive positions on national economic issues?
2. Should we regard unions as vehicles which will facilitate the economic mobility of minority groups?
3. What impact would changes in the American tariff system have on black workers?

F. Community controlled economic development corporations have not met with notable success. Does this concept have any viability? If so, what improvements can be made to increase the success ratio? If not, is there any alternative that would permit community participation in economic ventures?

G. Will minority groups ever be able to significantly influence the decision centers which control the allocation of economic resources?

H. What importance should be placed upon the aggregation of investment and development capital for the benefit of minority groups? What are the means at our disposal to secure such capital?

II. PERSONAL SECURITY, LAW ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE

A. Black people are concerned over crime in their communities. At the same time there is the possibility that emphasis on increased firepower for the police and sterner judicial treatment might signal a decrease in their civil liberties. Is there a need for more effective action against criminals in the black community, and if so, how can it be equated with that community's traditional mistrust of the law enforcement process? Is it necessary to sacrifice individual liberties in order to attain a significant measure of personal safety?

B. The use of drugs constitutes a major problem for black communities both in terms of the lives it destroys and the crime it breeds. An Urban League study has shown that despite the severity of the problem within these communities, most of the government financed programs are located outside the inner city. How can blacks address this problem? Should convicted drug addicts be treated as criminals? Should convicted drug pushers automatically be given long terms of incarceration without chance for parole? Should marijuana be legalized? Should methadone maintenance be favored over other treatment?

C. What are realistic alternatives to Federal, State, and local prison systems? At what cost?

D. Is it desirable that we increase civilian control over law enforcement agencies? If yes, which mechanisms are presently available to us, and what are some of the realistic alternatives for control?

E. Will increasing the number of minority police officers, prison officials, court clerks, judges, etc., significantly improve the quality of law enforcement for minority groups? If so, should this be accomplished within the framework of the existing civil service system?

F. Is direct civilian involvement in law enforcement a resurgence of vigilantism, or is it a movement which can potentially improve personal security for minority groups?

G. As society becomes more bureaucratic, it tends to become less responsive to the needs and grievances of individual citizens. How can we make bureaucracies more responsive? Would the abolition of the civil service system be advantageous in this area?

III. THE POLITICAL PROCESS – OLD MYTHS AND NEW REALITIES

A. Gunnar Myrdal has called the American poor "the least revolutionary proletariat in the world." Being unorganized, politically apathetic, and largely mute, they exert pressure and power to a degree that in no way corresponds to their numbers and to the severity of their plight. Registration and post-election participation studies confirm that the poor are largely responsible for the low voter turnouts in this country.

1. Why do they stay away from the polls?
2. What are the strategies or tactics capable of significantly increasing their participation?
3. Why is there a divergence in voting patterns between the black and minority poor and whites of similar economic circumstances?

B. Is a guaranteed annual family income of $5,000 a realistic policy alternative from a political point of view?

C. Will recent trends towards structural change (i.e. merger and consolidation of cities and counties, proliferation of special districts) significantly detract from the political power (potential or actual) of minority groups? If so, what power-retaining options are available?

D. Max Lerner has suggested that there are three kinds of political action: coalition of alliance politics, balance-of-power politics (as practiced by the Liberal Party in New York City), and independent political action. Which of these alternatives, in your opinion, has the highest payoff potential for minority groups; and what critical elements are needed to conduct the most successful political action in the most desired category.

E. Does protest increase political power, decrease it, or have no significant effect upon it? What role should protest play in the political strategies formulated by minority groups?

F. Cities under the pressure of loss of the white middle class, face increased burdens in providing for the needs of those people who remain.

Is the presence of the white middle class absolutely necessary to the survival of a viable city, and if so, what practical steps can be taken to lessen out-migration? How can this be reconciled with black political control?

G. What implications are there for blacks in the development of a political majority not dependent upon blacks, the poor, intellectuals or the young? Does this mean that they have been "read out" of one party and in fact future majorities will not be dependent upon their votes? What racial connotations can be read into the national election results of 1972?

IV. EDUCATIONAL POLICY

A. In many large cities school systems are becoming or are already predominately black. Governing units are hard put to finance the systems and in instance after instance, taxpayers have refused to approve new levies for the operation of the schools. Increasingly, there are reports of violence in the schools. In view of these things, what does the future of urban schools appear to be? Is there wisdom in insisting on integration, or should emphasis be placed on the quality of education and control of the school apparatus in those situations where blacks predominate?

B. Community control of schools has been projected as a possible method of improving the quality of schools. What are its positives and negatives? Is it a wise strategy to pursue whether singly, or in concert with other approaches?

C. What, if any, programs should be undertaken to serve those young people who have been permitted to move through school systems without the basic ability to read, write and function in today's world?

D. Does the educational system offer social and economic mobility for minority groups in this country?

E. Is the property tax, as presently constructed and administered, the appropriate revenue device for the financing of school expenditures? What are the alternatives?

F. What is the state of the art regarding the relationships of inputs (facilities, salaries, class size, etc.), to educational outputs (literacy, mathematical ability)? How does this relate to informed public policy decisions?

G. What are the positive and negative aspects of the seemingly popular recent trend towards school decentralization, and the merger of city and county school systems?

H. What implications do you foresee in the incipient institutionalization of early childhood education? What is the evidence, if any, regarding its effectiveness?

I. What is the future of the alternative school movement?

J. What can we expect from the growth of junior colleges and the "closing down" of open admission programs?